

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.26600 of 2011

ORDER:

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Heard learned counsel for the petitioner and learned Government Pleader for Revenue.

With the consent of both the parties, the writ petition is disposed of at the admission stage.

The present writ petition is filed seeking issuance of a writ of mandamus declaring the proceedings in Rc.No.B.24/2010 dated 28.08.2011 and the action of the second respondent in not passing orders in the appeal No.3016/2011 including the application for stay as arbitrary and illegal; and consequently direct the respondents to issue title deeds in respect of the land admeasuring Ac.5.00 situated in Sy.No.51/12 of Yekollu Village, Doravarisatram Mandal, SPSR Nellore District.

The averments in the affidavit filed in support of the writ petition are as under:

One Bezawada Anantha Padmanabham, who is the husband of the writ petitioner, was an ex-service man and served the country from 1939 to 1952 at various places in the Army. After serving in the Indian Army for about 11 ½ years, the husband of the writ petitioner was assigned land admeasuring Ac.5.00 cents situated in Sy.No.5-12 of Yekollu Village, Doravarisatram Mandal, SPSR Nellore District and was also issued D-Form Patta vide Patta No. 66/1409 dated 22.11.1999. It is stated that the husband of the writ petitioner cultivated the land till the year 2002 and after his death, the family members of the petitioner are cultivating the lands. It is stated that subsequent to the death of Bezawada Anantha Padmanabham, the petitioner along with her family

members made an application for loan so as to develop the said land. It is stated that the financial institutions demanded the petitioner for production of title deeds and pattadar pass books for sanction of the loan. Hence the petitioners approached the third respondent for issuance of pattadar pass books and title deed, who inturn issued pattadar pass book but till date no title deed is issued. While things stood thus, the third respondent is alleged to have issued a show-cause notice dated 31.07.2011 proposing cancellation of D-Form patta on the ground that the said land is not put to cultivation. An explanation was submitted on 10.08.2011. Without considering the contents of the explanation, the third respondent is alleged to have issued proceedings in Rc.B.24/2010 dated 28.08.2011 cancelling the D-Farm Patta. Challenging the same the petitioner preferred an appeal before the second respondent and the same is still pending. The stay application filed along with the said appeal is also pending. Questioning the inaction of the second respondent in not disposing of the appeal and stay application, the present writ petition is filed.

Learned counsel for the petitioner though raised various grounds in the writ petition, but however seeks a direction for disposal of the appeal while maintaining the status-quo order passed by this Court on 22.09.2011. The Government Pleader for Revenue states that he has no objection for the same.

It is to be noted that this Court on 22.09.2011 while issuing notice before admission ordered status-quo existing as on that day with regard to the possession of the land in dispute.

Having regard to the facts and circumstances of the case and without going into the merits of the case, the writ petition is disposed of, directing the second respondent to dispose of the appeal No.3016/2011 dated 12.09.2011 filed by the petitioner, preferably within a period of three (03) months from the date of receipt of a copy of this order. Till

the disposal of the appeal, the order of status-quo granted by this Court on 22.09.2011 shall continue. No order as to costs.

As a sequel thereto, Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand dismissed.

JUSTICE C. PRAVEEN KUMAR

11.08.2015
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