

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 24892 of 2011

ORDER:

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Heard learned counsel for the petitioners and Government Pleader for Revenue. With the consent of both the parties, the main writ petition is heard at the admission stage itself.

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the proceedings of the first respondent in Rc.No.1/1638/2009 dated 04.09.2010 in directing the second respondent to conduct a de novo enquiry in respect of the land admeasuring Ac.4.00 situated in Sy.No.376 of Nelapogula Village, Lingala Ghanpur Mandal, Warangal District, as illegal, arbitrary and un-constitutional; and consequently set-aside the same.

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

The first petitioner claims to be the owner and possessor of land admeasuring Ac.4.00 situated in Sy.No.376 of Nelapogula Village, Lingala Ghanpur Mandal, Warangal District, as he is said to have purchased the said property from one Srinivasa Rao in the year 1981. Thereafter the sale was regularized under the provisions of R.O.R.Act by the second respondent and the name of the first petitioner was mutated in the revenue records. In the year 1995 pattadar pass book was also issued in favour of the first petitioner. It is stated that the first petitioner gifted the said property to the second petitioner, who is his sister through an un-registered gift deed. In the year 2006 pattadar pass books and

title deeds were issued in favour of the second petitioner. While things stood thus, on 21.06.2008 the third respondent made an application before the first respondent alleging that the subject land is a burial ground and to verify the same. The first respondent made an endorsement on the said application directing the second respondent to enquire into the matter and submit a report. The second respondent conducted enquiry and submitted the report stating that as per Khasra Pahani for the year 1954-55 one Raghunandana Rao was shown as pattadar and the said land is a patta land. Pursuant to the said report, the first respondent issued the impugned proceedings ordering a de novo enquiry. Challenging the same, the present writ petition is filed.

On 31.08.2015 this Court directed the Government Pleader for Revenue to find out as to whether the de novo enquiry which has been ordered by the first respondent is still pending. Today when the matter is taken up for hearing, the Government Pleader for Revenue submits that pursuant to a notice the petitioners submitted their objections and the enquiry is still pending.

Though various grounds are raised in the writ petition, learned counsel for the petitioners restricts his prayer seeking a direction to the second respondent to complete the de novo enquiry at the earliest.

Having regard to the circumstances stated above, the second respondent is directed to complete the de novo enquiry which was ordered by the first respondent, at the earliest, preferably within a period of twelve (12) weeks from the date of receipt of a copy of this order, after giving personal notice to all the parties including the petitioners.

With the above direction, the writ petition is disposed of.
No order as to costs.

Consequently, miscellaneous petitions, if any, pending in
this Writ Petition shall stand closed.

**JUSTICE C. PRAVEEN
KUMAR**

16.09.2015
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