

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 14828 of 2011

ORDER:

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With the consent of both the parties, the main writ petition is disposed of.

The present writ petition came to be filed seeking issuance of a writ of mandamus declaring the action of the respondents in not mutating the name of the petitioner in the revenue records pertaining to the land admeasuring Ac.3.59 cents situated in Sy.No.1/5 of Kadivedu Village, Gudur Taluq, SPSR Nellore District, as illegal, arbitrary, unjust and violative of principles of natural justice and consequently direct the respondents to mutate the name of the petitioner in the revenue records and to issue pattadar pass books and title deed in favour of the petitioner in respect of the said land.

The averments in the writ petition are as under:

The mother-in-law of the petitioner was in possession of land admeasuring Ac.3.59 cents situated in Sy.No.1/5 of Kadivedu Village, Gudur Taluq, Nellore District. It is stated that though the land was not fit for cultivation, the mother-in-law of the petitioner removed the shrub growth, filled the pits, made it fit for cultivation and raised dry crops like ragi, black gram, green gram and vegetables. The Tahsildar, Gudur assigned the said land in favour of the mother-in-law of the petitioner in the year 1968 and she was personally cultivating the same. After obtaining loan from the Agricultural Development Bank, Gudur, she raised lemon garden in the said land. Due to political disputes in the village, the opposite group filed false petitions before the authorities for cancellation of assignment. Basing on the same the then Tahsildar issued notice vide proceedings No.RC.B3/ 4847/79, dated 12.11.1979 to show cause as to why the land should not be resumed on the ground

that she was not personally cultivating the land and that the same was being cultivated by her son. An explanation came to be filed by her mother-in-law before the Tahsildar. By an order dated 06.08.1980 the Tahsildar cancelled the patta granted in favour of mother-in-law of the petitioner. Aggrieved by that, she preferred an appeal before the Revenue Divisional Officer, Gudur which was dismissed on 20.06.2002 on the ground that the legal representative failed to come on record. Thereafter, the husband of the writ petitioner filed an appeal before the Joint Collector, who passed an order dated 14.07.2003 dismissing the appeal on the ground that their advocate did not chose to appear him to defend the case. Challenging the said order, the husband of the writ petitioner filed W.P.No.19576 of 2003. This Court by its order dated 21.07.2005 allowed the said writ petition holding that the writ petitioner is the son of original assignee and as per clause (d) of Para 3 of the Board Standing Order 15, the assigned land can be cultivated by the assignee or the member of the family. Thereafter, the husband of the writ petitioner made representation to the third respondent requesting him to issue pattadar pass book and title deed in his favour but the third respondent failed to do so. After the death of the writ petitioner, herself and her family members are cultivating the land. The petitioner also made a representation dated 17.02.2010 requesting the respondents to mutate her name in the revenue records and to issue pattadar pass books. The inaction of the respondents in considering the said representation led to filing of the present writ petition.

Learned counsel for the petitioner mainly submits that though the representation was made in the year 2010 no orders are passed till date.

The Government Pleader on instructions submits that the land was subdivided at the time of land acquisition for formation of National Highway Road and denoted as S.No.1-1A1 Acs.2.97. Out of which, land to an extent of Ac.1.72 is under the possession of Smt. Donthala

Seetharavamma, who is the writ petitioner, land to an extent of Ac.1.25 cents was alienated by the assignee to Smt. G.Lakshmi Rajyam and about Ac.0.62 cents of land was alienated in favour of Smt. Pitchuka Jayamma. The remaining extent of Ac.0.62 cents was taken by the Government for formation of National Highway road. It is stated that the land to an extent of Ac.1.72 in Sy.No.1-A1 is under the possession and enjoyment of the petitioner and her name was also mutated in the revenue records. Learned counsel for the petitioner disputes the same.

Without going into the merits of the case and as the representation of the petitioner is said to be pending since 2010, the writ petition is disposed of directing the respondents to consider the representation dated 17.02.2010, if it is still pending, and pass order in accordance with law within a period of twelve (12) weeks from the date of receipt a copy of this order. No order as to costs.

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

JUSTICE C. PRAVEEN KUMAR

22.07.2015
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