

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION Nos. 7795 & 7811 OF 2012

COMMON ORDER:

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Heard learned counsel for the petitioners and learned Government Pleader for Revenue. With the consent of both the parties, the Writ Petition is disposed of at the admission stage itself.

Since the issue involved in both the Writ Petitions is one and the same, they are disposed of by this common order.

The present Writ Petition came to be filed seeking to declare the action of the respondents in not conducting any enquiry and not issuing pattadar passbooks and title deeds to the petitioners in respect of the land in Survey Nos.567/2 and 568/2 admeasuring Acs.2.75 cents and Acs.2.00 cents respectively, situated at Rajahmundry Village and Mandal, East Godavari District, as illegal and arbitrary.

The facts in issue are as under:

During the lifetime of Sri Satyavolu Papa Rao, he has executed an unregistered Will in the name of Gunnuri Narayana Rao and after the death of the said Narayana Rao, his son Gunnuri Venkata Rao sold the land in Survey Nos.567/2 and 568/2. The petitioners purchased the same through registered agreements of sale-cum-GPA vide document Nos.3890 of 2011 and 3876 of 2011, registered in the office of the Joint Sub-Registrar-I, Rajahmundry. After conducting a detailed enquiry, the District Collector vide his proceedings dated 25.06.2011, in Ref.E5/927/2011, held that the land in Survey Nos.567/2 and 568/2 are zeroithi and private lands. After

receiving the said clarification from the District Collector, pending document Nos.118 of 2010 and 117 of 2010 were registered and assigned regular documents bearing Nos.3890 and 3876 of 2011. Thereafter, the petitioners claim to be the absolute owners of the said land. The petitioners made an application dated 02.08.2011, in Form-VI-A under A.P.Rights in Land and Pattadar Pass Books Act, 1971 (for short, 'the Act of 1971'), requesting the respondents for issuance of pattadar pass books and title deeds. It is stated that till date no enquiry was conducted as stipulated under the said Act. Though the petitioner approached the respondents for providing power connection by paying the fee on 21.10.2011 and also reminder dated 11.01.2012, no action was initiated. It was brought to the notice of the petitioners that the authorities are treating the land in Survey Nos.567/2 and 568/2 as a property under Andhra Pradesh Escheats and Bona Vacantia Act, 1974. Challenging the action of the respondents in not issuing the pass books and title deeds, the present Writ Petition came to be filed.

A counter affidavit came to be filed disputing the averments in the Writ Petition except those which are specifically admitted therein. It may be useful to extract the averments in the counter, which are as under:

“...the Schedule property was devolved to the petitioners through sale deed which was purchased from one Sri Gunnuru Venkata Rao, S/o.Narayana Rao. But on perusal of xerox copies of sale deed, it disclosed that the schedule property devolved to the father of vendor through un-registered gift deed, which was executed by Satyavolu Paparao, S/o.Lakshmi Pati. The sons of Satyavolu Paparao are also claiming the ownership and title deed, requesting for issuance of pattadar pass book and title deeds to the schedule property. But they did not produce any registered documents to establish their

title over the schedule land. Further denotes the laxity in registering an unregistered Will executed by Satyavolu Paparao in favour of Gunnuri Narayana Rao. As per the instructions of the District Collector, East Godavari, Kakinada, the third respondent caused personal inspection jointly with the officials of Forest Department. In the enquiry it was noticed that the land in Survey No.568/2 is covered with bushes and thorns and in low lying area and is formed as pit. An enquiry report from this office was submitted to the Collector, East Godavari, Kakinada. The schedule land was treated as private land by the Collector, East Godavari, Kakinada vide their Lr.No.Ref.E5/927/2011, dated 25.06.2011. The same was informed to the Joint Sub-Registrar-I, Rajahmundry is an abandoned property for which the title is not proved over the schedule property. All land property situated in the State which is vested in the State by escheat or an Bonavacantia for want of rightful owner, shall belong to the Government and the Government shall be the owner of all such property. Keeping in view of all aspects a detailed report was submitted to the Collector, East Godavari, Kakinada seeking instructions to initiate action under Section 3 and 5 (1) and (2) under A.P.Escheats and Bonavacantia Act, 1974. Hence the contents of the Writ Petitions are not correct.”

From a perusal of the material available on record, the representation made by the petitioners for issuance of pattadar pass books and title deeds is still pending consideration by the authorities and no orders are passed on the said representation.

Having regard to the above circumstances, without going into merits of the case, the Writ Petitions are disposed of directing the third respondent to dispose of the representation dated 02.08.2011, made by the petitioners for issuance of pattadar pass books and title deeds for land in Survey No.567/2 and 568/2 situated at Rajahmundry Village and Mandal, East Godavari District, in accordance with law, within a period of eight (08) weeks from the

date of receipt of a copy of this order. No costs.

Consequently, the Miscellaneous Petitions, if any, pending in these Writ Petitions shall also stand closed.

JUSTICE C. PRAVEEN KUMAR

02.09.2015

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