

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

Writ Petition No.8086 of 2015

-

-

ORDER:

-

-

This writ petition is filed to issue a *Writ of Mandamus*, declaring the action of the 2nd respondent in not taking the revision filed by the petitioners dated 02-03-2015 for hearing, which is filed against the orders dated 02-02-2015 in D.Dis.No.D2/5218/2013 passed by the

3rd respondent herein as illegal, arbitrary and consequently direct the 2nd respondent to take up the same for hearing.

Heard the learned counsel for the petitioners and learned Government Pleader for Revenue (A.P).

The petitioners are claiming to be the assignees of agricultural land situated in Kurugunta Village Anantapuramu Rural Mandal. They were issued 'D' Form Pattas by the 4th respondent, Tahsildar, and that they are enjoying the same since 1993, by raising crops, without any objection whatsoever. While so, one S. Masoodvali, the 5th respondent herein, claiming himself to be a social worker, made a representation before the Revenue Divisional Officer, the 3rd respondent herein, questioning the issuance of pattadar pass books and title deeds

in favour of the petitioners. It is stated that the 3rd respondent without appreciation of the evidence on record, passed an order dated

02-02-2015, holding that the Government had not assigned the said land to the petitioners, and therefore, issuance of pattadar pass books and title deeds in favour of the petitioners are liable to be cancelled. Aggrieved by the same, the petitioners filed a revision before the Joint Collector, the 2nd respondent, along with an

application for stay,
and no orders have been passed.

The entries made in the pattadar pass book carries with it a presumption, as to possession over the land mentioned in it, and also a presumption, that every entry in record of right shall be presumed to be true and correct until the contra is proved. In the instant case, it is stated that the petitioners are enjoying the subject land for the past several years by raising crops; and they preferred a revision before the 2nd respondent, Joint Collector, aggrieved by the orders passed the 3rd respondent, along with an application for stay. The same cannot be kept pending, indefinitely.

Having regard to the facts and circumstances of the case and to protect the interests of the petitioners, the writ petition is disposed of, directing the 2nd respondent, Joint Collector, to dispose of the revision, or the application for stay, filed by the petitioners herein; preferably within a period of three months from the date of receipt of a copy of this order. Till then, there shall be stay of all further proceedings in pursuance of the orders passed by the 3rd respondent, Revenue Divisional Officer in D.Dis.No.D2/5218/2013, dated 02-02-2015.

The miscellaneous petition filed in the writ petition shall also stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J.

Dt.26-03-2015.

KO