THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 30829 of 2011

ORDER:-

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

2) The present writ petition came to be filed seeking to issue a writ of mandamus declaring the proceedings Ref.LRDT/1694/2010, dated 25.04.2011 of the 2nd respondent as illegal, arbitrary and contrary to law.

3) It is the case of the petitioners that they along with some other displaced persons, under the backwater of Somasila Project, settled down in Lingalakunta Village, Hamlet of Tamballagondi Grampanchayat of Atloor Mandal, submitted a representation to the Mandal Revenue Officer (Tahsildar) for assignment of agricultural land. After due enquiry, the MRO issued pattas in the year 1985 assigning land admeasuring to an extent of Ac.2.00 cents each in favour of 27 persons including the petitioners. It is stated that since then the petitioners are in possession of the said lands by doing cultivation. The averments in the affidavit filed in support of the petition would show that even though petitioners were granted assignment, the Revenue authorities have not entered their names in the revenue records and have not issued pattadar passbooks and title deeds. As such, the petitioners filed W.P. No.25847 of 2008 before this court. On 23.11.2008, the said Writ Petition was disposed of directing respondent Nos.3 and 4 therein to take necessary action for issuance of pattadar passbooks and title deeds. In spite of the said order being

communicated, the respondents 3 & 4 have not implemented the said order. When some of the petitioners made a representation to respondent No.2 about non implementation of the order passed in W.P. No.25847 of 2008, the 2nd respondent —Revenue Divisional Officer, Rajampet instead of directing the 3rd respondent—Tahsildar, Atloor Mandal to issue the pattadar passbooks and title deeds, treated the said representation as an appeal under the provisions of A.P Record of Rights in Land and Pattadar Pass Books Act, 1971 and issued notices to all the parties directing them to appear for enquiry on 27.11.2010. It is stated that the 2nd respondent, vide his letter Ref.LRDT/1694/2010, dated 24.12.2010, requested the 3rd respondent to send a report in the matter. Subsequently, the 3rd respondent, vide letter dated 23.02.2011, submitted a report to the 2nd respondent. After considering the material available on record, the 2nd respondent passed an order stating that DKT pattas alleged to have been granted are fabricated and therefore the petitioners and others are not entitled for grant of pattadar passbooks and title deeds. Challenging the same, the petitioners filed a revision petition before the District Collector, Kadapa, on 14.07.2011. A copy of the said order of the 2nd respondent dated 25.04.2011 was served to each of the petitioners through office of the 3rd respondent. Thereafter, the 3rd respondent, through separate endorsements dated 05.10.2011, informed all the petitioners that it is not possible to issue pattadar passbooks in view of the order of the 2nd respondent dated 25.04.2011. Subsequently, the petitioners preferred another revision before the 1st respondent on

11.10.2011. Both the revision petitions are kept pending consideration before the 1st respondent.

4) Since the issue of granting pattadar passbooks and title deeds is pending before the competent authority for consideration, it will not be proper for this Court to decide the very same issue in this writ petition.

5) In view of the above and as the revision petitions filed by the petitioners dated 14.07.2011 and 11.10.2011 are pending consideration before the 1st respondent, it would be appropriate to pass orders directing the 1st respondent to dispose of the said revision petitions at the earliest.

6) In view of the above, the writ petition is disposed of directing the 1st respondent to dispose of the revision petitions filed by the petitioners dated 14.07.2011 and 11.10.2011, if the same are still pending, and pass appropriate orders in accordance with law within a period of eight (8) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

7) Consequently, miscellaneous petitions, if any, pending in the writ petition shall also stand closed.

C. PRAVEEN KUMAR, J

17th August, 2015
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THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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