

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.10229 of 2015

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Between:

Gali Sudarshan Naidu

PETITIONER

AND

1. The State of Andhra Pradesh, rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad, and others.

RESPONDENTS

ORDER:

The grievance of the petitioner is that one Sri Tirumalachari and his brother are Inamdars of some private lands. On rejection of claim petition filed by the Inamdars, they filed E.S.No.54/1963 before the Estates Abolition Tribunal. The Tribunal remanded the matter by its order dated 23.06.1965 for fresh enquiry and disposal. Pending the claim petition the said extent of land in Sy.No.5/3 was purchased by Sri Gali Venkataswami Naidu. Ultimately, the Settlement Officer, Nellore allowed the claim with respect to Sy.No.5/3 to an extent of Ac.1.30 cents in

favour of the claimants/purchasers. Evidencing the said fact the petitioner filed a copy of the proceedings dated 14.06.1970 of the Settlement Officer, Nellore showing that an extent of Ac.1.30 cents in Sy.No.5/3 was granted in favour of the claimants 1 to 4 in the claim petition. The father of the petitioner had purchased the said land from the said Gali Venkataswami Naidu vide document No.883/1980 dated 12.05.1980. Sri Gali Venkataswami Naidu was the claimant before the Settlement Officer, who was granted patta vide proceedings dated 14.06.1970. The petitioner inherited the said land and is in continuous possession and enjoyment of the land in question, and was granted patta in his favour. However, the respondent-authorities without issuing any notice and without there being any manner of right are interfering with the land and threatening to dispossess the petitioner from the land in question. Hence the petitioner filed the present writ petition.

Heard learned counsel for the petitioner and learned Assistant Government pleader for Revenue (A.P) for respondents.

On 10.04.2015 when the writ petition came up for admission, this Court while directing the learned Assistant Government Pleader to get instructions, directed the respondent-authorities not to interfere with the standing crop raised by the petitioner in the subject land.

The learned Assistant Government Pleader on instructions submits that in the revenue records the subject land is recorded as 'Tope Poramboke'. However, he admits that the petitioners are in possession and enjoyment of the subject land. If the respondents intend to resume the land they will take necessary steps to resume the land from the petitioner by following due process of law.

In the light of the said submission, I deem it appropriate to direct the respondent-authorities not to interfere with the possession and enjoyment of the petitioner's property to an extent of Ac.1.30 cents in Sy.No.5/3 situated in Modugulapalem Village, Yerpedu Mandal, Chittoor District, without following due process of law and if any action proposed to be taken, the petitioner shall be given adequate opportunity to file objections.

With the above directions, the writ petition is disposed of. No costs. As a sequel, miscellaneous petitions, if any, shall stand closed.

CHALLA KODANDA RAM, J.

17th April, 2015

Js.