

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No. 42960 of 2016

ORDER:

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

2. With the consent of both the parties, the Writ Petition is disposed of at the admission stage.

3. The present Writ Petition came to be filed seeking issuance of writ of mandamus declaring the action of respondent Nos.3 and 4 in not considering representations dated 29.11.2016 and 02.12.2016 made by the petitioner seeking protection of site granted for Racha Banda covered by Survey No.13-1 of Manamala Village, Ozili Mandal, SPSR Nellore District, as illegal and arbitrary.

4. It is the case of the petitioner that he is a resident of Manamala S.C.Colony, Ozili Mandal, SPSR Nellore District. As per panchayat resolution dated 25.03.2011, 30 ankanams of site was allotted for racha banda in SC Colony admeasuring Ac.1.88 cents situated at Manamala Village, Ozili Mandal, SPSR Nellore District. Subsequently, the villagers with the permission of gram panchayat dug a trench to construct racha banda in the subject property and the said act was obstructed by respondent No.5. Aggrieved thereby, O.S.No.261 of 2015 came to be filed by the petitioner seeking permanent injunction. It is stated that the said suit was dismissed on 08.07.2016, but no appeal has been preferred by the petitioner.

Subsequently, respondent No.4 issued fresh possession house site patta to respondent No.5 bearing No.11/2016, dated 01.11.2016 admeasuring Ac.0.03 cents. It is stated that respondent No.4 has changed the survey number in the said certificate from Survey No.114 to Survey No.13-1 without prior intimation to the petitioner. It is alleged that respondent Nos.4 and 5 colluded with each other to change the identity of the property. It is further stated that the petitioner made representations dated 29.11.2016 and 02.12.2016 to respondent Nos.3 and 4 to cancel the possession certificate bearing No.11/2016, dated 01.11.2016 issued to respondent No.5, but in vain. The inaction of respondent Nos.3 and 4 in considering the representations presented by the petitioner, lead to filing of this writ petition.

5. Having regard to the facts and circumstances of the case and keeping in view the civil disputes between the parties, the RDO-respondent No.3 shall deal with the representations made by the petitioner, in accordance with law and pass appropriate orders at the earliest, after hearing the petitioner and the aggrieved persons, if any.

6. The writ petition is disposed of. Miscellaneous petitions, pending if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE C.PRAVEEN KUMAR

09.12.2016,
vhh