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HON'BLE SRI JUSTICE S.V.BHATT

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W.P. No.31361 OF 2012

ORDER:

One P.V.L.N. Uma Devi is the petitioner. The grievance is against alleged inaction of respondent No.4 in considering the request of petitioner for grant of pattadar passbook and title deed under A.P. Rights in Land and Pattadar Pass Books Act, 1971. The petitioner relies upon the order of Revenue Divisional Officer, Visakhapatnam/3rd respondent in Rc.No.1763/2008 dated 07.09.2011. The petitioner herein was the appellant before the 3rd respondent and the said appeal was filed against the order of resumption passed by 4th respondent. The operative portion of the order of 3rd respondent reads thus:

"The Mandal Revenue Officer, Anandapuram appears to have not heard the appellant in person to represent her claim before passing the order resuming the land to the Government. Further the vendor has neither submitted written explanation nor the Respondent heard the vendor in person as in the registered sale deed the vendor has stated that the scheduled land is self acquired by his father. The appellant is contending that she purchased Xeryoti land and the Tahsildar has not taken into consideration of the fact before passing the resumption order. The copies of V.A.No.10(1), V.A.No.3 shows the name of the appellant as owner of the land acquired by way of sale. With the above observations, the matter is remanded to the Tahsildar, Anandapuram for conducting enquiry afresh duly affording reasonable opportunity of being heard the persons concerned and receive all the documentary evidence and pass orders as per law. The orders passed by the Mandal Revenue Officer, Anandapuram in Rc.No.53/2007 A Dt.27.11.2007 are set aside."

Mr.Jagan and the Assistant Government Pleader agree that the issue on alleged violation of conditions of assignment under Act 9/1977 no doubt is pending before the 4th respondent and to avoid loss of time, the 4th respondent can be directed to comprehensively enquire into the alleged violation of assignment conditions, take action if circumstances so warrant and/or alternatively if the petitioner is entitled for issue of pattadar pass book, appropriate orders may be passed under the A.P. Rights in Land and Pattadar Pass Books Act,1971.

With the assistance of counsel appearing for A.G.P., I have perused the counter affidavit filed by 4th respondent. *Prima facie*, it appears that there are justifiable reasons and causes for not considering the request of petitioner for grant of pattadar pass book/title deed for subject matter of the writ petition. However, the same reasons are not available to continue the inaction.

Therefore, this Court is satisfied that the writ petition can be disposed of as follows:

a) The 4th respondent is directed to complete the enquiry in to the matter pursuant to the orders passed by 3rd respondent dated 07.09.2011 on the alleged violation of assignment conditions and also entitlement of petitioner for grant of pattadar pass book/title deed and appropriate decision taken within three months from the date of receipt of a copy of this order.

The writ petition is disposed of. No order as to costs.

Miscellaneous petitions pending if any shall stand closed.

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S.V.BHATT, J

Date:23.08.2016
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