

HON'BLE SRI JUSTICE S.V. BHATT

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Writ Petition No.8631 of 2012

ORDER:

The petitioner prays for the following relief:

“.....writ of mandamus declaring the action of the 4th respondent in not taking any action against the 6th respondent in pursuance of the orders vide proceedings No.P/772/2003, dated 25.06.2009 of 2nd respondent had not initiated a Suo-moto enquiry under section 15(18) of the Board Standing Orders as per the instructions of the Government in G.O.Ms.No.1743, dated 28.08.1959, G.O.Ms.No.1110, dated 26.06.1960, G.O.Ms.No.946, dated 26.07.1979, G.O.Ms.No.185, dated 11.03.1997, Memo No.B12/633/62-2 dated 20.11.1965 in respect of the property of an extent of Ac.17.61 cents in Sy.No.143/2 situated Lankelapelam village of Parwada Mandal, Visakhapatnam District, as illegal, arbitrary, unreasonable and violative of the fundamental rights guaranteed to the petitioner under Articles 14, 16 and 21 of the Constitution of India and also violative of Government orders G.O.Ms.No.1743, dated 28.08.1959, G.O.Ms.No.1110 dated 26.06.1960, G.O.Ms.No.946 dated 26.07.1979, G.O.Ms.No.185 dated 11.03.1997, Memo No.B12/633/62-2 dated 20.11.1965.”

2. In the course of hearing, Mr. G.Simhadri, counsel for the petitioner, has drawn the attention of the court to the proceedings No.P1/772/2003, dated 25.06.2009. The operative portion reads thus:

“In view of the discussions in the foregoing paragraphs, the orders of the Settlement Officer-cum-Joint Collector, Visakhapatnam dated 09.05.1997 and the orders of the Director of Settlements, AP., Hyderabad, dated 03.12.1997 are set aside and the case is remanded back to the Settlement Officer cum Joint Collector, Visakhapatnam for taking up the matter afresh and to conduct a *denova* enquiry after giving reasonable opportunity to the concerned and after verifying the pre-abolition records of the Estate and if necessary by conducting a personal inspection of the subject lands and pass further orders as per the provisions of the Act. The revision petition is accordingly disposed of.”

3. He further submits that the Settlement Officer cum Joint

Collector, Visakhapatnam, had passed orders dated 28.04.2012 on the claim of the petitioner and aggrieved thereby, a revision is pending before the Competent Authority. Having regard to the subsequent developments, he seeks leave of the court to work out the remedies against the orders dated 28.04.2012 and dispose of the writ petition accordingly.

4. The submission is placed on record. The writ petition is accordingly disposed of. No order as to costs. Pending miscellaneous petitions if any in this writ petition shall stand dismissed in consequence.

S.V.BHATT, J

Date: 19.07.2016
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