

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No. 41089 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 declaring the inaction of respondent No.3 in taking action on the representation made by the petitioner on 03.11.2016 as illegal and arbitrary and consequently direct him to take necessary action on the said representation.

4. It is to be noted that the petitioner and his brother are absolute owners of land admeasuring Acs.2.08 cents situated in Survey No.41/3 of Guntipalli Village, Kamavarapukota Mandal, West Godavari District. It is stated that originally the said land belongs to Zamindar and patta was granted in favour of one Smt.Bahubalendruni Venkayamma on 26.02.1880 and the same was succeeded by her legal representatives. The said land being irrigation tank namely Narsimhulu Katta Tank was the only source of irrigation for the remaining lands. Sri Bahubalendruni Chinnanarayanaraju, though he had exclusive rights over the schedule property, executed a Will in favour of respondent No.5 in respect of the schedule property and accordingly obtained pattadar passbooks and title deeds. It is stated that respondent No.4, without verifying the nature of land, issued pattadar passbook in favour of respondent No.5 which is contrary to the provisions of A.P.Rights in

Lands Pattadar Passbook Act (for short, 'the Act'). Aggrieved thereby, the petitioner preferred an appeal before respondent No.3. It is stated that respondent No.5 is not allowing to draw the water from the schedule land and that the irrigation tank situated in schedule land is the only source to draw water for cultivation. Hence, the said appeal was preferred before respondent No.3. The inaction of respondent No.3 in considering the appeal lead to filing of the present writ petition.

5. Having regard to the facts and circumstances of the case, the present writ petition is disposed of directing the third respondent to consider the proceedings pending before him including its maintainability, in accordance with law.

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

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JUSTICE C.PRAVEEN KUMAR

28.11.2016,  
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