

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

PRESENT

THE HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE P.NAVEEN RAO

-
WRIT APPEAL No.486 OF 2016

DATED: 29.06.2016

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Between:

Smt. D. Jagat Sarvam and another

... Appellants

and

State of Andhra Pradesh and others

... Respondents

**THE HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE P. NAVEEN RAO**

WRIT APPEAL No.486 OF 2016

PC: (per the Hon'ble The Acting Chief Justice Dilip B. Bhosale)

Heard learned counsel for the parties.

This appeal is directed against order, dated 29.02.2016 passed in Writ Petition No.15671 of 2013 whereby Writ Petition filed by the appellants has been dismissed on merits.

Writ Petition was against order, dated 02.03.2013 passed by the Commissioner (Appeals). Learned Single Judge dismissed the Writ Petition on merits as well as on the ground that appellants were not objectors and never claimed ryotwari patta in respect of the land in question and that the impugned order of the Commissioner which dismissed the revision preferred by the State, and the State never questioned the said order.

We categorically asked learned counsel for the appellants, whether the observations made in paragraph 10 of the impugned order are correct. The reply was not satisfactory. It appears that there was a Writ Petition bearing WP. No.19810 of 2000 filed by the husband of appellant No.1 and father of appellant No.2 challenging

order, dated 15.07.2000 passed by the Commissioner in respect of very same land in favour of very same respondent No.6. That Writ Petition was allowed and the order, dated 15.07.2000 was set aside and matter was remitted to the Commissioner. It is pertinent to note that in the proceedings before the Commissioner in the earlier round, whereby it was disposed of by order dated 15.07.2000, neither the appellants nor the husband of appellant No.1 or father of appellant No.2 was party. That seems to be the reason, and in order to give one more opportunity to them, the order was set aside and the matter was remanded to the Commissioner. After remand, the Commissioner once again considered merits of the case and dismissed the revision petition holding that the Settlement Officer granted patta in favour of respondent No.6 after satisfying himself that the land is ryoti in nature and it was in possession and enjoyment of respondent No.6 prior to the cut off date 01.07.1945. Respondent No.6 claims that she is in possession of the land since 1914. The Commissioner after remand has confirmed the findings recorded earlier that the schedule land is ryoti in nature and no Government's interest is involved in the schedule land. It is pertinent to note that the Government never challenged this order or has shown any interest in the property thereafter. Why the appellants are coming before Court again and again when they have no interest in the property has not been explained satisfactorily though learned counsel for the appellants made feeble

attempt to say that the land in question is a communal land. This is not PIL. We are not impressed with the arguments.

Hence, Writ Appeal is dismissed.

Consequently, miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

29th JUNE, 2016.

P. NAVEEN RAO, J

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