

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 19256 of 2012

ORDER:

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Heard learned counsel for the petitioner and Government Pleader for Revenue. With the consent of both the parties, the main writ petition is heard at the admission stage itself.

The present writ petition came to be filed seeking issuance of a writ of mandamus directing the respondents not to interfere with the possession and enjoyment of the petitioner over the land admeasuring Ac.3.00 out of Ac.9.96 cents situated in Survey No.554 of Yerramreddipalem Village, Renigunta Mandal, Chittoor District, holding that the said survey number is not the subject matter of de novo enquiry, which was ordered by the Commissioner of Land Administration, Andhra Pradesh vide Proceedings V-3-273/94, dated 29.03.2001 and pending in IDT No.93 of 99 (old IDT No.8/83) before the Inams Deputy Tahsildar, Chittoor.

The averments in the affidavit filed in support of the writ petition would show that the petitioner herein purchased agricultural land admeasuring Ac.6.00 in Sy.No.554 of Yerramreddipalem Village, Renigunta Mandal, Chittoor District out of Ac.9.96 cents under a registered sale deed dated 11.10.2000 from Gadi Sidda Reddy and later sold Ac.3.00 of land to V.Maheswar Reddy on 01.02.2008 and delivered possession to him. It is sated that the vendor of the petitioner by name Sidda Reddy purchased the entire extent of Ac.9.96 cents from K.S.Ramunjam, on 31.12.1992. The vendor K.S.Ramanujam

obtained ryotwari patta way back in the year 1986 from the Inams Deputy Tahsildar, Chittoor vide S.R.Nos.111/86 and 112/86 in IDT No.8/83, dated 28.05.1986 and ever since the date of purchase, the petitioner is in lawful un-interrupted possession and enjoyment of the said land. The name of the petitioner was also mutated in revenue records and later the revenue authorities also issued 10 (1) Adangal in favour of the petitioner. While things stood thus, the District Collector in his proceedings Roc.I.D.T.No.20 of 2010 dated 26.03.2010 informed the Tahsildar, Renugunta and Sub-Registrar, Renugunta, stating that the patta granted in favour of K.S.Ramanujam was cancelled by the Revenue Divisional Officer, Tirupati vide D.Dis.No.611 of 1987 dated 10.10.1992 and the said order was confirmed by the Chief Commissioner of Land Administration vide R.P.No.V3/273/94, dated 26.03.2011. Aggrieved by the order of de novo enquiry, the vendors filed a revision before the first respondent which was dismissed on 29.03.2011. The grievance of the petitioner is that though the land purchased by him is not the subject matter of the revision, he was subjected to harassment and interference by the officials of the revenue department.

Respondent Nos.1 to 4 filed counter disputing the averments made in the affidavit filed in support of the writ petition. Their defence is spelt out in para No.7 of the counter, which is as under:

“It is submitted that the contention of the petitioner that Sy.No.554 is not mentioned as the subject matter of enquiry is not based on facts. The proceedings of the appellate authority clearly demonstrate that earlier publication of District Gazettee dated 19.03.1977 seems persists over the present notification issued under Section 3 by the Inams Deputy Tahsildar which was

published in the District Gazettee dated 11.05.1984. Thus the entire issue has to be thoroughly re-examined by the Inams Deputy Tahsildar, Chittoor and Sy.No.554 alone cannot be seen in isolation and orders could be passed. Thus the contention of the petitioner that Sy.No.554 is not the subject matter of enquiry holds no water.”

Similar issue came up for consideration before this Court in W.P.No.29676 of 2011. By an order, dated 21.12.2011, this Court allowed the writ petition restraining the respondents therein from interfering with the petitioner’s possession and enjoyment of the land admeasuring Ac.3.39 cents in Sy.No.555/2.

A perusal of the material on record would show that an appeal was filed by twenty persons against an order dated 10.11.1985 in IDT No.8 of 1983, C.G.R. In Para No.23 of the appeal grounds, the appellants have made the following prayer:

“It is therefore prayed that this Hon’ble Court may be pleased to send for the records in IDT.8/83 and peruse the same and hear this appeal and set aside the order of grant of pattas in favour of 5th respondent herein and allow this appeal and direct IDT to enquire into the matter and grant pattas to the appellants for the lands in dispute i.e. lands shown in ‘C’ in the plan filed herewith.”

From a reading of the prayer, it is evident that the subject matter of appeal was the lands shown in ‘C’ plan. The plan contains the following survey numbers.

Sy.No.	AREA	TOTAL
<u>WET LANDS</u>		
527	Ac.02.67 cents	
532	Ac.00.64 cents	
524/3 to 6	Ac.03.14 cents	
516/2	Ac.23.55 cents	
Total:		Ac.30.00
<u>DRY LANDS</u>		
517	Ac.04.27 cents	

521/1,2	Ac.16.82 cents	
522	Ac.20.59 cents	
525/2	Ac.01.48 cents	
534/1	Ac.00.82 cents	
538	Ac.03.58 cents	
537	Ac.08.47 cents	
536	Ac.01.41 cents	
516/1	Ac.31.85 cents	
Total:		Ac.89.29
Grand Total		Ac.119.29

From the above, it is evident that Sy.No.554 is not included in the plan filed by the appellants with respect to which grant of ryotwari pattas in favour of the petitioner's vendor is questioned. This would amply establish that the subject matter of appeal is confined to survey number mentioned therein and does not include the land belonging to the petitioner.

Since the issue in the present writ petition is squarely covered by the order passed by this Court in W.P.No.29676 of 2011, the present writ petition is allowed restraining the respondents from interfering with the possession and enjoyment of the petitioner over the land admeasuring Ac.3.00 cents in Sy.No.554 of Yerramreddipalem Village, Renigunta Mandal, Chittoor District. No order as to costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

**JUSTICE C. PRAVEEN
KUMAR**

04.01.2016
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