

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.35390 OF 2016

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue. With consent of the counsel appearing for both sides, the present writ petition is disposed of at the admission stage.

2. Since this Court is not going into the merits of the case, it may not be necessary to issue notice to respondents 6 and 7.

3 The present writ petition came to be filed with the following prayer:

“to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents Nos.4 and 5 without considering petitioner's representation dated 03.10.2016 for not issuing pattadar pass books infavour of unofficial respondents 6 and 7 and not to register any sale deed executed by the unofficial respondents 6 and 7 in respect of the land to an extent Ac.1-00 cents in RSR No.54/B (Old Sy. No.54/1) situated at Kathevaram Village, Tenali Mandal, Guntur District, as illegal, arbitrary and contrary to the provisions of A.P. Rights in Land and Pattadar Pass Book Act, 1971 and Rules, 1989 and the Provisions of Registration Act and consequently direct the respondents 4 and 5 not to issue pattadar pass books and not to register the sale transactions infavour of the third patty purchasers in respect of the land extent Ac.1-00 cents in RSR No. 54/B (Old Sy. No. 54/1) situated at Kathevaram Village, Tenali Mandalam, Guntur District.”

4 The case of the petitioner is that she was allotted land in dispute admeasuring Ac.1.00 cents out of Ac.3.50 cents for her maintenance and she is in possession of the said land. The name of one Pokala Venkatramaiah, who is grandfather of her husband, was shown in Re-survey and Re-settlement Register of Kathevaram Village in respect of land to an extent of Ac.3.15 cents. Respondents 6 and 7 approached the 4th respondent under the provisions of the Andhra Pradesh Rights in Land and Pattadar Pass Book Act, 1971 (for short, 'the Act') and Rules, 1989 made thereunder (for short 'the Rules') to issue pattadar pass books and title deeds in respect of the land in dispute, with an intention to deprive her right over the property and dispose of the property in favour of third parties. It is urged that in spite of the representation dated 03.10.2016, made by the petitioner, the 4th respondent is contemplating to issue pattadar pass books and title deeds to respondents 6 and 7.

5 Learned counsel for the petitioner mainly submits that the land in dispute belongs to late grandfather of husband of the petitioner, and in view of the fact that it is an ancestral property, there are no records to prove the same except the entries in Re-survey and Re-settlement Register of the Village. He further states that the land was given towards maintenance to the petitioner, who is now aged about 90 years.

6. Learned Government Pleader for Revenue would submit that consideration of the representation made by the petitioner would not arise as no document is filed to show that the petitioner has any right over the property in dispute.

7. Though no documentary evidence has been placed before the Court to show her ownership, it is urged that entries made in the Re-survey and Re-settlement Register of the Village show that it is an ancestral property and her plea gets some support from the entries made.

8. That being the position, the 4th respondent shall consider the representation made by the petitioner on 03.10.2016, if the same is still pending consideration, in accordance with law, at the earliest. It is needless to mention that the said application shall be considered after hearing the petitioner and also the unofficial respondents.

9. Accordingly, the Writ Petition is disposed of. Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

Date:20.10.2016
Note: Furnish CC by 25.10.2016
(B/O)
INL