

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.40563 OF 2014

ORDER:

The inaction on the part of the 4th respondent in disposing of the application filed by the petitioner on 13.11.2014 seeking transfer of assignment in favour of the petitioner is the subject matter of the present writ petition.

Heard the learned counsel for the petitioner as well as the learned Assistant Government Pleader for Revenue for respondents. With their consent, the writ petition is disposed of at the stage of admission itself.

Learned counsel for the petitioner would submit that the junior paternal uncle of the petitioner was assigned, land admeasuring Acs.2.20 gts. in survey No.196/1 situated at Mulkalla Village, Mancherla Mandal of Adilabad District and Final Patta Certificate No.C4/11076/1984 was also issued in his favour. However, due to ill-health, the assignee was not in a position to cultivate the said land. As such, the father of the petitioner, who happens to be the brother of the assignee, was cultivating the same and after death of his father, the petitioner has been cultivating the same since more than 20 years. Hence, the petitioner filed a representation seeking mutation or assignment of said land in his favour. Alleging inaction in disposing of said representation, present Writ Petition is filed.

Learned AGP would submit that the question of considering the application filed by the petitioner would not arise since it is

only the family members, who are entitled for the said relief and not the petitioner, who is not an immediate family member.

Having regard to the rival submissions made and nature of dispute involved, the Writ Petition is disposed of directing the 4th respondent to deal with the application dated 13.11.2014 made by the petitioner, if the same is still pending consideration, and pass appropriate orders thereon in accordance with law after hearing the petitioner and other aggrieved persons, if any, at the earliest.

Miscellaneous petitions pending in this writ petition, if any, shall stand closed. There shall be no order as to costs.

Date: 23.11.2016
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C. PRAVEEN KUMAR, J

