HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.28715 of 2012

ORDER:

The petitioner complains against inaction of respondent Nos.1 and 2 in issuing pattadar pass book and title deed to him for the assigned land covered by Survey No.853-3, admeasuring Acs.5.00 of Kodur Village, Chilamathur Mandal.

The case of the petitioner is that the subject land was assigned to him in the year 1962 and he has not done any act or failed to do any act which attracts the assignment conditions or the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (Act 9 of 1977). The petitioner refers to a few cases filed before the Revenue Divisional Officer and the orders passed thereon. The fact of the matter is that the request of petitioner for grant of pattadar pass book and title deed based upon the assignment made in his favour in the year 1962, remained unattended in the office of respondent No.1.

Respondent No.1 filed counter-affidavit and he does not dispute the pendency of application of the petitioner for issuing pattadar pass book and title deed. But, the reasons stated for inaction are that on account of violation of assignment conditions, respondent No.1 is contemplating to initiate action under the provisions of Act 9 of 1977 and in such an event, subject to outcome of such consideration, the obligation to issue pattadar pass book and title deed arises.

Sri N.Aswartha Narayana appearing for respondent No.5 submits that respondent No.5 claims independent right and title to

the petition land through respondent No.4.

Learned counsel for the parties firstly have tried to persuade this Court to decide on the alleged inaction in considering and disposing of the request of the petitioner for grant of pattadar pass book and title deed, secondly, pray for issuing direction to respondent No.1 to consider the request of petitioner for grant of pattadar pass book and title deed.

I am satisfied that the writ prayer is against inaction. Counsel for the petitioner requests the Court to direct respondent No.1 to take comprehensive view in the matter.

Having regard to the above submissions, I am satisfied that the writ petition can be disposed of by this order:

"Respondent No.1 is directed to initiate action against the request of the petitioner for issuing pattadar pass book and title deed, and if circumstances warrant for cancellation of assignment, issue notice to him under the provisions of Act 9 of 1977. Respondent Nos.4 and 5, on account of a few orders passed in respect of the subject land, claim to have some interest in the matter. With a view to decide all issues vis-à-vis Survey No.853-3, it is directed that notice be issued to respondent Nos.4 and 5 as well. Respondent No.1 is directed to pass comprehensive order in this behalf, within three months from the date of receipt of this order."

The writ petition is accordingly disposed of.

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

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S.V.BHATT,J

Dt:16.08.2016

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