

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.34902 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, issuing notice to the unofficial respondent (R.5) may not be necessary.

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

“to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the inaction of the respondent authorities in taking steps to cancel the Pattadar pass books and title deeds issued in favour of the 5th respondent in respect of the land admeasuring Ac.5.00 in Sy.No.41/1B of Itukapalli village, Ananthapur Mandal and District though the said land was allotted to the petitioner under Ex-Serviceman quota in the year 1971, in spite of petitioner's written representation dated 18-01-2016 followed by repeated visits, as being illegal, arbitrary and unjust and consequently direct the respondent authorities to cancel the Pattadar pass books and title deeds issued in favour of the 5th respondent and to issue the Pattadar pass book and title deed in favour of the petitioner herein.”

4. Though various grounds are raised, learned counsel for the petitioner restricts his prayer seeking a direction to the Tahsildar,

Ananthapur Mandal (R.4) to consider the representation dated 18.01.2016 made by the petitioner seeking cancellation of pattadar pass books issued to the unofficial respondent herein (R.5).

5. Learned Government Pleader for Revenue opposed the same contending that the appropriate authority to deal with the issue is the Collector and that the Tahsildar has no right to deal with the matter. At this stage, learned counsel for the petitioner submits that a copy of the representation sent to the Tahsildar was also marked to the Collector and as such, seeks the direction.

6. I am afraid, the submission made by the learned counsel for the petitioner cannot be accepted. However, having regard to the facts and circumstances of the case, the petitioner shall make an appropriate application before the Collector, in which event the same shall be considered, in accordance with law, after hearing the petitioner and the unofficial respondent herein, as early as possible, preferably within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. 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:18.10.2016
INL