

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.21779 of 2016

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ORDER:

This Writ Petition is filed seeking to declare the action of the respondents in not cancelling Patta No.1506 issued by the 4th respondent to the third party in the petitioner's assigned land in survey No.876/B in an extent of Ac.1.61 cents situated at Idupuru Village, Markapur Mandal, Prakasam District, without issuing any notice and without following the due procedure, as arbitrary and illegal and set aside the same.

2. Heard learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue.

3. The case of the petitioner is that he is the absolute owner and possessor of the land situated in the aforementioned survey number, which was assigned in favour of grand father of the petitioner by the Government long back. The petitioner also obtained pattadar of the land passbook and cultivating the same. While so, he came to know that the subject land was alienated to third party by executing a registered document, he filed a representation on 28.01.2008 to respondent No.2 to restore the land to the legal heirs of the assignee. Thereafter, the 2nd respondent addressed a letter to the 4th respondent to enquire into the matter and send a report. Subsequently, the 4th respondent issued notice on 03.04.2008 to resume the said land, which was allotted earlier from the assignees. Aggrieved by the same, the petitioner preferred an appeal before the 3rd respondent, who after thorough enquiry disposed of the appeal vide proceedings L.Dic.C.706/2008, dated 22.12.2008, and remanded the matter to the 4th respondent to re-examine the case and dispose of the same with reference to legal heirs of the appellants therein. Thereafter, the 4th respondent issued pattadar pass book in favour of the petitioner, vide patta No.191 and his name was mutated in the revenue records.

While things stood thus, the petitioner came to know that a registered sale document was executed in respect of the subject land though earlier it was assigned to him. Respondent No.4 issued patta No.1506 in an extent of Ac.0-78 cents in the name of Battagiri Swamy Reddy. Thereafter, the Joint Sub Registrar, Markapur registered a sale deed, without verifying the prohibition list of Government lands. In this regard, the petitioner submitted a representation on 30.05.2016 to the 2nd respondent for taking action against said Battagiri Swamy Reddy. As no orders have been on the representation, dated 30.05.2016, the present writ petition came to be filed.

4. In view of the facts and circumstances of the case, the Writ Petition is disposed directing the 4th respondent to pass appropriate orders on the representation, dated 30.05.2016, said to have been submitted by the petitioner, after giving notice to the affected parties, in accordance with law, within a period of four (04) weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

A.RAJASHEKER REDDY, J

JULY 20, 2016
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Date: 20.07.2016

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