

**HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

**WRIT PETITION No.21786 of 2016**

**ORDER:**

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This writ petition is filed questioning the action of the respondents in issuing proceedings in File No.80 of 2015 dated 16.06.2016 by reducing the land an extent of Ac.0.13 cents out of Ac.1.84 cents in Sy.No.81.1 of Ananthavaram Village, Thulluru Mandal, Guntur District.

Learned counsel for the petitioners submits that the petitioner made an application to give his land of Ac.1.84 cents and the same is accepted by the 7<sup>th</sup> respondent and he was paid annuity for Ac.1.84 cents and without issuing any notice, the impugned order has been passed by reducing the land to an extent of Ac.0.13 cents out of Ac.1.84 cents. He further submits that the impugned proceedings are not in accordance with law. Form No.9.10 as prescribed under Rule 8(5) of the A.P.Capital City Land Pooling Scheme(Formation and Implementation) Rules, 2015(for short 'Rules, 2015'), it is specified that reasons are to be recorded in the order. He also submits that without considering the pattadar passbook and title deed filed by the petitioner, it is stated in the impugned proceedings that the petitioner has not filed any registered documentary evidence to prove title over the land.

On the other hand, the learned counsel for the 7<sup>th</sup> respondent basing on the averments of the counter-affidavit stated that after conducting survey and considering the objections of the third parties, the extent was reduced. It is further stated that though the petitioner is having pattadar passbook and title deed to an extent of Ac.1.84 cents but he is in actual possession of Ac.1.71 cents.

Rule 8(5) of the Rules, 2015 reads as under:

"Within 15 days from the last date of filing objections from willing land owners, the competent authority for land pooling or

his officers after receiving all objections in writing verify the veracity of the claims on ownership of all the persons interested, conduct due enquiries as required for ascertaining the true owner/owners for general appraisal of land and apportionment if any and pass such orders recording the reasons for accepting or otherwise, of the applications. Such order shall be issued in Form 9.10 under the revenue seal and signature of the competent authority.”

A perusal of Form 9.10 prescribed under the said Rule also goes to show that objections raised have to be accepted or rejected by recording reasons. The impugned order does not reflect that any objections raised by third parties are considered and no notice was also issued to the petitioner before passing the impugned order reducing the extent.

In view of the same, without going into the merits of the case, since the impugned order is not in conformity with Form No.9.10 as envisaged under Rule 8 of the Rules, 2015, the impugned order is set aside and the 7<sup>th</sup> respondent shall issue notice to the petitioner as well as to the other objectors and consider the respective claims in terms of Rule 8(5) in Form No.9.10, within a period of four weeks from the date of receipt of a copy of this order.

Accordingly, this Writ Petition is allowed to the extent indicated above. No costs.

As a sequel, miscellaneous petitions, if any, pending shall stand closed.

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**A.RAJASHEKER REDDY,J**

Date: 17-08-2016  
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