

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No.18497 of 2016

ORDER:

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

2. The present Writ Petition came to be filed seeking the following prayer :

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to issue a Writ or order or direction more particularly one in the nature of writ of Mandamus to declare the impugned inaction of the 4th respondent in not considering the representation dated 15.04.2016 of the petitioner as illegal and arbitrary and consequently direct the 4th respondent to incorporate and make necessary changes in relevant revenue records i.e., SLR/MDR/10(1) and Web land by entering the details of the Zeroyithi dry land of the petitioner measuring Ac.16-60 cents in Sy.No.111/1, Chinthalapalem Village, Kothavalasa Mandal, Vizianagaram District”.

3. Counter came to be filed opposing the claim of the petitioner. It is averred that the subject land is a Vagu poromboke as per the revenue records and as such ryothwari pattas cannot be given to the said land. It is further stated that the ryothwari pattas were issued in favour of the petitioner without proper verification of the old records.

4. A reply came to be filed by the learned counsel for the petitioner alleging that even as per the assertion of respondents, the Government’s ownership and entitlement is limited to Ac.2.11 guntas but not the entire extent of Ac.18.71 cents. It is stated that the land is in possession of the petitioner since 80 years and the findings of

the enquiry conducted under the Inams Abolition Act, are misconceived.

5. Since the issue in the present writ petition pertains to change of classification of land, learned Government Pleader for Revenue submits that the proper authority to consider the issue is the District Collector.

6. Having regard to the above, the Writ Petition is disposed of, directing the petitioner to make fresh application to the 2nd respondent- District Collector, Vizianagarm, within two weeks from the date of receipt of copy of this order seeking change in classification of land which is the subject matter of this writ petition, in which event, the District Collector, after considering the objections of the petitioner and uninfluenced by the observations made in the counter filed by the Mandal Revenue Officer, in this writ petition, pass orders in accordance with law, within four to six weeks from the date of submission of application by the petitioner. It is needless to mention that the District Collector, shall hear the petitioner and also the aggrieved persons, if any, before passing any orders,.

Miscellaneous petitions, pending if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE C.PRAVEEN KUMAR

Dt: 22.12.2016,
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