

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.41057 of 2016

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is preferred by the petitioner seeking to declare the action of the respondents in not allowing her to mortgage her property situated in RS No.829 admeasuring 539.6 Sq.Yards at Nandigama, Krishna District, pursuant to an entry in prohibition register, as illegal and arbitrary.

Heard the learned counsel for the petitioner and the learned Government Pleader for Endowments for respondents. With their consent, the writ petition is disposed of at the admission stage itself.

The contention of the learned counsel for the petitioner is that though The Special Deputy Tahasildar, Inams, Vijayawada, on 28.06.1960 vide orders in AIP Nos.1 to 29 of 1960 has categorically stated that the lands do not belong to an institution, for the reasons best known, the authorities have refused to mortgage the property of the petitioner on the ground that the subject property is a government property. He further submits that on 15.09.2016 the petitioner made an application to the Collector for de-notifying the property, till date no orders are passed.

Learned Government Pleader for Endowments would submit that he had no objection for consideration of representation by the Collector in accordance with law.

Having regard to the facts in issue, the Writ Petition is disposed of directing the 2nd respondent-Collector, Krishna

District, to dispose of the representation submitted by the petitioner on 15.09.2016, in accordance with law, after considering the material placed along with the petition, as early as possible, preferably within a period of four weeks from the date of receipt of a copy of this order. It is needless to mention that in case the request of the petitioner is not accepted, a copy of the same shall be communicated to her forthwith.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. No order as to costs.

28.11.2016
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JUSTICE C. PRAVEEN KUMAR