

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.84 OF 2015

AND

WRIT PETITION No.40729 OF 2016

COMMON ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue appearing for the respondents. With their consent and since both the Writ Petitions arise in respect of the same property, they are being disposed of by way of this Common Order at the admission stage itself.

2. Writ Petition No.84 of 2015 came to be filed with the following prayer:

“...to issue an appropriate writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in interfering without notice of the peaceful possession of the Petitioner's Agriculture Land admeasuring Ac.19-07 Guntas, in Sy.No.22, situated at Mallapur Village, Balanagar Mandal, Hyderabad East, Ranga Reddy District on 03.01.2015 as illegal, arbitrary and violative of principles of natural justice and violative of Article 14, 19, 21 & 300-A of the interfere in the peaceful possession of the Petitioner, without any notice to the Petitioner.”

3. During pendency of the writ petition, the 1st petitioner in W.P.No.84 of 2015 died on 28.05.2016, as such petitioners 2 and 3, who are grand children of the 1st petitioner, came on record as her legal heirs.

4. The averments in the affidavit filed in support of the Writ Petition No.84 of 2015 would show that the 1st petitioner is owner of the property referred to above, having acquired the same from Syed Hasham Hussaini by virtue of Gift Deed, dated 26.03.1972. Since then, the 1st petitioner and her husband had been in physical possession and enjoyment of the said property. The name of the husband of the 1st petitioner by name Kukkala Balaiah was entered in revenue records as owner of the said property. Subsequently, the husband of the 1st petitioner died on 03.04.1977. Thereafter, the 1st petitioner made a representation dated 12.12.1977 seeking mutation of her name in the revenue records, but the respondents failed to take any action. While things stood thus, on 03.01.2015, the respondents 2 and 3 without issuing any notice or proceedings are alleged to have come to the subject property and tried to interfere with the possession, which lead to filing of the present writ petition.

5. This Court by an order dated 13.01.2015 in W.P.M.P.No.91 of 2015 in W.P.No.84 of 2015 directed the official respondents not to interfere with the possession of the petitioners in respect of the subject property. In spite of interim order granted by this court, the respondent authorities are alleged to have interfered with the possession of the 1st petitioner. Hence, she filed W.P.No.11289 of 2016, which was disposed of on 06.04.2016 directing the 1st petitioner to apply in Form 6-A prescribed under the Andhra Pradesh Rights in Land and Pattadar Passbooks Act, 1971 along with supporting documents, in which event, 2nd respondent was directed

to consider the same within eight (08) weeks from the date of such application. Immediately after passing of the order in W.P.No.11289 of 2016, the 1st petitioner died on 28.05.2016, as such, no application could be filed as directed by this Court.

6. The record discloses that during life time of the 1st petitioner, she executed a Registered Will Deed dated 11.12.2014 in favour of petitioners 2 and 3 bequeathing her rights over the property in dispute. Aggrieved by the action of the respondents in interfering with their possession after the death of the 1st petitioner, petitioners 2 and 3 filed W.P.No.22160 of 2016, which was dismissed by this Court on the ground that this writ petition, which is filed for the same relief, is pending before this Court.

7. Though various grounds are raised in the writ petition, learned counsel for the petitioners restricts his prayer seeking a direction to respondents 2 and 3 not to interfere with the peaceful possession of the petitioners over the subject land.

8. Learned Government Pleader placed on record the instructions submitted by the Deputy Collector and Tahsildar, Saroornagar Mandal, which show that the property in dispute falls in Full Tank Level and Buffer Zone and as per ground position, some persons have already taken steps for development activities over the said area, which is contrary to the Irrigation Act. While things stood thus, W.P.No.40729 of 2016 came to be filed by the petitioners

represented by their GPA, who are the grand children of the 1st petitioner in W.P.No.84 of 2015 seeking the following relief:

“...to issue writ order or a direction, more particularly one in the nature of Writ of Mandamus, declaring in action of the respondents herein particularly respondent Nos.3 to 5 in failing to exercise their powers vested upon them and not discharging their official duties by not considering petitioners representation dated: 11-09-2016 for correction of entries into revenue record with respect to agricultural land admeasuring Ac.19-07 Guntas, in Sy.No.22, situated at Mallapur Village, Balanagar Mandal, Hyderabad East, Ranga Reddy District as illegal, arbitrary, against principle of natural justice and violation of Article 14 and 21 of The Constitution of India.”

9. Though various grounds are raised in the said writ petition, learned counsel for the petitioners restricts his prayer seeking a direction to the respondents to consider the representation dated 11.09.2016 made by the GPA holder of the petitioners, at the earliest.

10. Learned Government Pleader for Revenue would submit that the respondent authorities may be directed to consider the representation made by the GPA holder of the petitioners, provided the same is still pending consideration.

11. Having regard to the rival submissions made, both the Writ Petitions are disposed of directing respondents 3 to 5 in W.P.No.40729 of 2016 to consider the representation dated 11.09.2016, made by the GPA holder of the petitioners seeking mutation of names of the petitioners in revenue records in respect

of agricultural land admeasuring Ac.19-07 Guntas, in Sy.No.22, situated at Mallapur Village, Balanagar Mandal, Hyderabad East, Ranga Reddy District, in accordance with law, as early as possible preferably within a period of six (06) weeks from the date of receipt of a copy of this order. Till such time, *status quo* as on today to be maintained with regard to property in dispute in all respects.

Consequently, Miscellaneous Petitions, if any, pending in these Writ Petitions shall stand closed. There shall be no order as to costs.

Date:20.12.2016
INL

JUSTICE C. PRAVEEN KUMAR

