

**THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

**WRIT PETITION No. 26581 OF 2016**

**ORDER:**

Heard.

2. The case of the petitioners is that originally the husband of the first petitioner was granted assignment of D.K.Patta for an extent of Ac.4-00 and Ac.0-88 cents in Survey Nos.357/2 and 375/2 of Kopulupadda Village, Bheemunipatnam Mandal, Visakhapatnam District, under ex-servicemen quota under proceedings dated 29.11.1992 and since then they are in possession and enjoyment of subject land. During the lifetime of the husband of the first petitioner, he preferred appeal questioning the order passed by the third respondent dated 07.01.2008 cancelling the patta granted in his favour, which was dismissed on 27.12.2008. Questioning the same, the husband of the first petitioner also preferred revision before the Joint Collector. Since no action is taken on the said revision, petitioner approached this court by filing W.P.No.11834 of 2015 and this court directed the first respondent to dispose of the revision expeditiously but no action is taken. While the matter stood thus, petitioners have applied for passbook and title deed under Form VI-A of ROR Act on 28.06.2016, which was rejected by the impugned proceedings stating as follows:

“Wherein Smt.Goetti Venkata Narsamma, W/o.Gosetti Rajulu, D.No.28-11-29/8, Dabagardens, Visakhapatnam has requested to issue Passbooks in Sy.No.357/2-Ac.4.00 cts and 375/2 – Ac.0-88 cts in the Kapuluppada Village of Bheemunipatnam Mandal, which was said to have been assigned to her deceased husabdn under Ex-serviceman category.

On verification of this office records, the D.R. file said to have been assigned to her husband was not forthcoming in this office and on verification on ground, the land was covered with barbed wire by the VUDA authorities. Hence, the claim of the applicant for issue of E-PPB deserves no consideration.”

In other words, a *prima facie* dispute is raised with regard to the right, title, and possession of the petitioner. These issues involve conducting enquiry and verification of records which can as well be done by the appellate authority.

3. As there is an alternative remedy of appeal against the endorsement of the fourth respondent dated 26.11.2016, I deem it appropriate to dispose of the writ petition granting liberty to the petitioner to approach the appellate authority in terms of Section 5(5) of the ROR Act and exercise his right in terms of the Act.

Accordingly, the writ petition is disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

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**JUSTICE CHALLA KODANDA RAM**

August 11, 2016  
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