

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.14298 of 2008

ORDER :

This Writ Petition is filed by the District Collector, Chittoor and the Tahsildar, Tirupathi Urban Mandal, Tirupathi, Chittoor District, challenging the order dt.06.07.2000 in CCLA Ref.P3/1411/99 of the Commissioner of Appeals, Office of the Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad.

2. Heard the learned Government Pleader for Revenue for petitioners; and Sri P. Gangaiahnaidu, learned Senior Counsel appearing on behalf of Sri K. Ramamohan-Mahadeva, for 2nd respondent.

3. The 2nd respondent had approached the Director of Settlements for grant of a *ryotwari* patta under Section 11(a) of Estates (Abolition and Conversion into Ryotwari) Act, 1948 (**for short, 'the Act'**) in respect of an extent of Ac.01.20 cents in Survey No.67/12 situate at Mangalam Village of Tirupathi Urban Mandal.

4. On 05.05.1998 vide S.R.No.56/11(a)/88A, the Settlement Officer, Chittoor rejected the claim of petitioner.

5. The petitioner challenged the same by way of 1st

Revision before the Commissioner and Director of Settlements in R.P.No.79/98 H1. The Director of Settlements dismissed the said Revision by order dt.30.06.1999.

6. Thereafter, the petitioner questioned the same by way of 2nd Revision under Section 7(d) of the Act before the 1st respondent. The 1st respondent allowed the same on 06.07.2000 vide proceedings in CCLA Ref.P3/1411/99.

7. Eight years later, the present Writ Petition has been filed by the District Collector, Chittoor and the Tahsildar, Tirupathi Urban Mandal, Tirupathi, Chittoor District, questioning the order of 1st respondent dt.06.07.2000.

8. The learned Government Pleader submitted that the order passed by 1st respondent cannot be sustained and delay in filing the Writ Petition occurred because legal opinion was sought from the Government Pleader but the records got misplaced. It was contended that the land in Sy.No.67/12 is classified as *assessed waste dry* and without there being any change of classification from non-*ryoti* to *ryoti*, the 1st respondent could not have granted any patta to the 2nd respondent under Section 11(a) of the Act.

9. The counsel for 2nd respondent however placed reliance on the judgment of the Supreme Court in **Chief Conservator of Forests, Government of Andhra Pradesh v. Collector and others**^[1], wherein the Supreme Court held that an officer of Government cannot maintain a Writ Petition in the name of his post and necessarily the State Government should question the order.

10. In the above decision, the Supreme Court held that proceedings of a Government of a State should be in the name of the State and referred to Article 300 of the Constitution of India and Section 79 of Civil Procedure Code and opined that the Chief Conservator of Forests could not have maintained a Writ Petition or Writ Appeal in the High Court without impleading the State.

11. Having regard to the above decision, I am of the opinion that the very Writ Petition filed by petitioner is not maintainable. Therefore, the Writ Petition is dismissed. No order as to costs.

12. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 13-07-2016

Ndr/*

^[1] 2003 (3) SCC 472