

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.20961 OF 2008

ORDER:

The petitioners pray for Mandamus complaining against the action of respondents in issuing pattas in Survey No.496/5, old Survey No.213 in land classified as pathway of Patavala Village, Tallarevu Mandal, East Godavari District, as illegal, arbitrary and contrary to Board Standing Orders.

This Court directed parties to maintain *status quo* obtaining as on 25.09.2008. The respondents filed petition to vacate the said interim order.

The 3rd respondent has filed counter affidavit. The 3rd respondent admits that the classification of subject land is Poramboke and footpath. The 3rd respondent offers justification by pleading that there is sufficient margin left for free passage of both men and cattle, therefore, the assignment of footpath was considered. The reply of 3rd respondent is stated only to be rejected. The 3rd respondent is the custodian of Poramboke, footpath and other communal lands. It is well settled that the 3rd respondent does not have authority or jurisdiction to grant assignment of house-sites in lands classified as footpath or communal lands. The effort of 3rd respondent to assign when the classification of subject matter continues as footpath is certainly objectionable. Hence the writ petition is ordered. The respondents are directed not to assign or create third party interest in subject land. No order as to costs.

Miscellaneous petitions pending if any shall stand closed.

S.V.BHATT,

J

Date:30.08.2016

Stp