

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 38656 of 2016

ORDER:

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

The action of respondent Nos. 5 and 6, in trying to dispossess the petitioner from his lands in Sy.Nos.212 and 216 of Sri Bommaraju puram Village, Vadamalapet Mandal, Chittoor District, is questioned in this Writ Petition as being illegal and arbitrary.

The petitioner states that, during survey, the authorities wrongly correlated paimash No.2 of Bommarajupuram to Sy.No.216 to an extent of Ac.9.40 cents excessively and classified the same as 'Gutta poramboke'. Against the said wrong entry, the petitioner approached Director of Settlement, Hyderabad. By an order dated 17.08.1976, the matter was remanded back to the Settlement Officer, Nellore for fresh enquiry. Pursuant thereto, the Settlement Officer, vide his proceedings dated 13.02.1986, directed the Assistant Director, Survey and Land Records, Chittoor to inspect lands in Sy.Nos.212 and 216 and state the extent of cultivable land in each survey number with details of possession and enjoyment of the petitioner. When respondent Nos.5 and 6 were trying to

dispossess the petitioner from the subject lands, he filed M.P.No.4108 of 2016, S.R.No.3/11(a)71 PTR dated 30.08.1974 in R.P.No.227/74, dated 17.08.1976 which is pending adjudication as on date. It is said that even after a lapse of 30 years, no survey was conducted and the petitioner was sought to be dispossessed by respondents Nos.5 and 6. Hence the present Writ Petition.

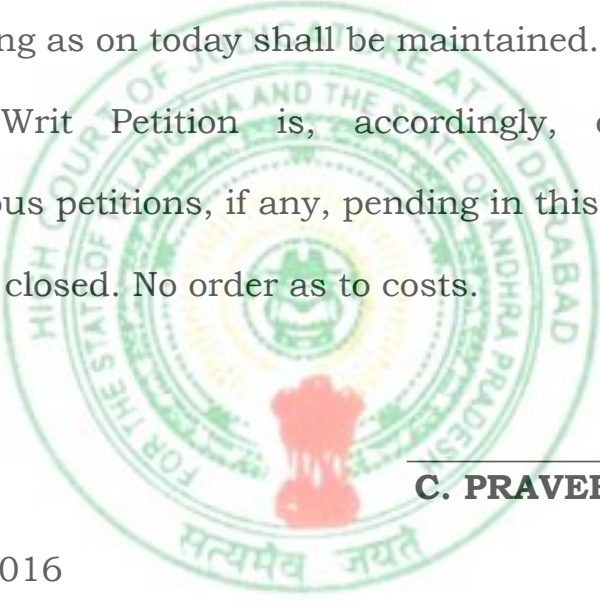
Learned counsel for the petitioner would submit that, despite the order of the Director of Settlements, Hyderabad dated 17.08.1976 remanding the matter back to Settlement Officer, Nellore, for conducting an enquiry afresh, no orders are passed till date.

Learned Assistant Government Pleader for Revenue, on instructions, submits that subject land is classified as government land and no private person is having any title or right over the said lands. However, learned Assistant Government Pleader states that the authority may be directed to pass order in M.P.No.4108 of 2016, in accordance with law, if the same is still pending consideration.

It is not in dispute that the order of remand is dated 17.08.1976. While remanding the matter back, the Settlement Officer, Nellore, was directed to conduct a fresh enquiry. The said fact is not in dispute. Since more than thirty years have elapsed from the remand, I deem it

appropriate to fix a time frame within which the third respondent – Settlement Officer shall pass orders, in M.P.No.4108 of 2016, S.R.No.3/11(a)71 PTR dated 30.08.1974 in R.P.No.227/74, dated 17.08.1976. Accordingly, the Settlement Officer, Nellore, shall pass orders in M.P.No.4108 of 2016, S.R.No.3/11(a)71 PTR dated 30.08.1974 in R.P.No.227/74, dated 17.08.1976, in accordance with law, as early as possible, preferably, within a period of three months from today. Till such time, *status quo* obtaining as on today shall be maintained.

The Writ Petition is, accordingly, disposed of. Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. No order as to costs.



C. PRAVEEN KUMAR,J

Dt: 14.11.2016
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