

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 20541 of 2011

ORDER:

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Heard learned counsel for the petitioner, Government Pleader for Revenue and learned counsel for respondent Nos.3 to 6. With the consent of all the parties, the main writ petition is heard at the admission stage itself.

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of respondent Nos.1 and 2 in not initiating action against respondent Nos.3 to 6 basing on the representation, dated 04.06.2011, by exercising powers as an Executive Magistrate of the District as well as Mandal, as illegal, arbitrary and violative of Article 19 (g), 21 and 300-A of the Constitution of India.

The averments in the affidavit filed in support of the writ petition would show that the petitioner claims to be in possession and enjoyment of piece of land in Sy.No.122 of Mallapalli Village, YSR Kadapa District, which is described a Madiga Inam in the revenue Record. The petitioner is said to have been cultivating the same along with other ancestors of his community people. It is stated that on 04.07.2011 respondent Nos.3 to 6, who has nothing to do with the land, tried to grab the property and threatened the petitioner with dire consequences. Immediately, the petitioner made a representation dated 04.07.2011 to the first respondent requesting him to initiate action against respondent Nos.3 to 6. The first respondent forwarded the said representation to the second respondent, but till date no action

was taken. Hence the writ petition.

Counter came to be filed by respondent Nos.1 and 2 stating that as per the orders in Appeal No.142 of 1945 and E.P.No.469 of 1946 on the file of District Munsif, Nandalur, respondent Nos.3 to 6 are original pattadars and pattadar pass books and title deeds were issued in their favour, and hence the contention of the petitioners are not genuine and baseless. It is categorically stated in the counter that the petitioner is not in possession of the land.

Un-official respondent Nos.3 to 6 filed their counter denying the averments made in the affidavit filed in support of the petition and stated that they are in possession of the property and the revenue authorities also issued pattadar pass books and title deeds in their favour.

Though various grounds are raised in the writ petition, learned counsel for the petitioner restricts his prayer seeking a direction to the first respondent to dispose of the representation dated 04.07.2011 at the earliest.

The counsel for the un-official respondents strenuously contended that the representation itself has no legal sanctity and that the said representation was filed only with a view to circumvent the delay in filing of the appeal and that the respondents are in possession of the property since last 70 years.

With out going into the merits of the case and having regard to the submissions made, the present writ petition is disposed of directing the first respondent to consider the representation dated 04.07.2011 in accordance with law as early

as possible, preferably, within a period of eight (08) weeks from the date of receipt of a copy of the order. It is needless to mention that un-official respondents and petitioner shall be given a personal hearing at the time of passing orders. The un-official respondents are at liberty to produce all the records to prove their claim and to raise all the objections including the plea of limitation and jurisdiction. Till such time, *status-quo* as on today in all respects shall be maintained. No order as to costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

**JUSTICE C. PRAVEEN
KUMAR**

20.01.2016
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