

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND**

THE HON'BLE SRI JUSTICE G.SHYAM PRASAD

Writ Petition No.15997 of 2015

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Dated 20th July, 2016

Between:

Jammula Eswari

.....Petitioner

And

The State of Andhra Pradesh, rep.by its Principal Secretary,
Department of Revenue, Secretariat Buildings, Hyderabad and others

.....Respondents

Counsel for the petitioner: Sri V.Ganesh Bhujanga Rao

Counsel for respondent Nos.1 to 5: GP for Revenue (AP)

Counsel for respondent No.6: Sri Mummaneni Srinivasa Rao

Counsel for respondent No.7: Sri Podila Hari Prasad

The Court made the following:

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
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Writ Petition No.15997 of 2015

ORDER: (per Hon'ble Sri Justice C.V.Nagarjuna Reddy)

Endorsement bearing Rc.No.13/2015/Unit-14, dated
26.05.2015, of respondent No.5, is assailed in this writ petition.

The petitioner approached respondent No.5 with an application
for surrender of land admeasuring Acs.2.60 cents in Survey No.23-2 of
Rayapudi Village, Thullur Mandal, Guntur District under Land Pooling

Scheme. Under the impugned Endorsement, respondent No.5 has rejected her proposal by stating that as per the records, the subject property was mortgaged to the State Bank of India in the year 1992 and that therefore she cannot surrender the land under Land Pooling Scheme. It was further stated that the petitioner can get the dispute settled by approaching the competent civil Court.

At the hearing, it has come out that the aforementioned land was put to auction by the State Bank of India for recovery of the loan amount in pursuance of a sale certificate issued by the Debts Recovery Tribunal and that the auction purchaser has backed out.

Sri Podila Hari Prasad, learned counsel for respondent No.7, submitted if the petitioner is willing to repay the loan amount along with interest, the property will be released in her favour.

As the scope of the writ petition is confined only to the refusal of respondent No.5 to accede to the petitioner's proposal for surrendering the land under the Land Pooling Scheme, it is unnecessary for this Court to deal with the sale of the land held by respondent No.7 and the entitlement of the petitioner to get the land back on repayment of the loan amount. Admittedly, the subject land is under mortgage with respondent No.7. So long as the mortgage remains in force, the petitioner cannot surrender the land under the Land Pooling Scheme. Hence, we do not find any illegality in the impugned Endorsement issued by respondent No.5.

Therefore, the writ petition is dismissed. However, this order will not preclude the petitioner and respondent No.6, who is the rival claimant to the land, to work out their remedies in accordance with law.

As a sequel to dismissal of the writ petition, WP.MP.No.20826 of 2015 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

G.SHYAM PRASAD, J

20th July, 2016
VGB