

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WRIT PETITION No.346 OF 2016

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Revenue.

The petitioner questions the notice dated 12.11.2015 issued by the Tahsildar, Pithapuram Mandal, Pithapuram, the 5th respondent, primarily on the ground that the 5th respondent has no jurisdiction to decide the title of the petitioner. The averments in the affidavit show that the petitioner is in possession of the subject property over hundred years and the land is partly purchased by him and partly under long lease from 1904 to 1928. Further the lessor is stated to have filed a suit for eviction which is pending. While so, the petitioner is stated to have constructed 18 buildings for Hospitals, Hostels, Residential quarters etc.

A reading of the impugned notice, however, does not show that there is any attempt to adjudicate upon the title of the petitioner and on contrary, it shows that the Government has obtained survey report on 03.11.2015 and in order to verify the land belonging to the petitioner, he seeks title documents of the petitioner with respect to the land in Survey Nos.162 and 161 admeasuring Acs.17.37 cents and Acs.8.24 cents at Agraharam Village, Pithapuram Mandal. The production of the documents as called upon in the notice cannot be said to affect the civil rights of the petitioner.

Hence, I am not inclined to entertain the Writ Petition. However, the petitioner shall produce the documents which he wishes to produce in response to the notice and is also at liberty to file a detailed

representation setting out his claim in the said land. However, it is to be noted that if any action is intended to be taken against the petitioner by the respondents, the same shall precede the due process of law and they shall not highhandedly interfere or dispossess the petitioner or otherwise interfere with any of petitioner's land in any manner.

The Writ Petition is accordingly disposed of. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

VILAS V.AFZULPURKAR, J

06.01.2016

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