

HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.17623 OF 2017

ORDER:

Heard Mr.Akkaam Eshwar for petitioner and the Assistant Government Pleader (Revenue) for respondents.

The petitioner prays for Mandamus declaring the action of respondents in threatening and interfering with petitioner's peaceful possession and enjoyment of an extent Acs.1-30 Cts in Sy.No.234/1 at Tiruchanoor Village, Tirupati Mandal, Chittoor District, as illegal, arbitrary and unconstitutional. The petitioner prays for a consequential direction to restrain the respondents from interfering with petitioner's possession and enjoyment of subject matter of writ petition.

The case of petitioner is that the petitioner, through agreement of sale (Sada Bainama) dated 08.06.2004, purchased the subject matter of writ petition for a valid sale consideration of Rs.95,000/-. The name of vendor is one Selvamani. According to petitioner, the subject matter of writ petition is not Government land and is private property; the petitioner is in possession and enjoyment in pursuance of Sada Bainama dated 08.06.2004. The petitioner relies upon Sada Bainama dated 08.06.2004 and a few house tax receipts to prove title and possession to subject matter of writ petition. The cause of action for filing the writ petition is that the respondents in the first week of May have come to the subject matter of the writ petition and informed the petitioner that he is liable for eviction and, accordingly, called upon him to vacate

from the petition land. The respondents again on 29.05.2017 tried to interfere with petitioner's possession and also demolished the construction in the subject matter of writ petition. Hence, the writ petition.

The Assistant Government Pleader, basing upon written instructions dated 11.07.2017, contends that the land in Sy.No.234 comprising an extent of Acs.113-67½ cents at Tiruchanoor Village is classified as 'Tank' (Pedda Cheruvu). Tirachanoor Village is an inam village and the imams have been abolished and ryotwari patta was granted under the A.P. Inams (Abolition and Conversion into Ryotwari) Act, 1956 (for short 'the Act'). The subject matter of writ petition being classified as Tank, the land stood vested in Government under Section 2(A) of the Act. He refers to the orders of Tahsildar dated 13.05.1993 and also the order of this Court in W.P.No.193 of 1990 dated 09.11.1994. According to him, the petitioner is not in possession of the property and there is no enforceable right in favour of petitioner to file the writ petition. He, therefore, prays for dismissing the writ petition.

I have perused the writ affidavit and the annexures filed by the petitioner and have taken note of submissions of learned counsel appearing for the parties. The petitioner, basing on an unregistered Sada Bainama dated 08.06.2004, seeks protection of subject matter of writ petition. Before claiming a right as well as an executory right, the petitioner is expected to prove the right of his vendor and conveyance of such right, in the manner known to law. In the case on hand, there is no document whatsoever evidencing

the right and title of petitioner's vendor. Further, under agreement of sale (Sada Bainama), the petitioner cannot get right, title and possession and seek enforcement by filing the instant writ petition. Further, the contradiction in the case of petitioner is evidenced by the house tax receipts relied upon by the petitioner. These notices are issued in the year 1998-99. The name of petitioner i.e., G.R.Prasad is shown in the notices.

Admittedly, the petitioner does not have anything to do with the property covered either under Sada Bainama or the property described in the house tax receipts. The unexplained link is without any basis and notices are generated and filed for the purpose of the instant prayer. Even without getting into the objections raised by the Assistant Government Pleader, I am satisfied the petitioner failed to make out a case for granting any relief. The documents relied upon by the petitioner do not clothe the petitioner either with right, title or possession of subject matter of writ petition.

The writ petition fails and is, accordingly, dismissed. There shall be no order as to costs.

Consequently, pending miscellaneous petitions stand closed.

S.V.BHATT, J

12th July, 2017

Lrkm