

HON'BLE SRI JUSTICE S.V. BHATT

W.P. No.26740 OF 2013

ORDER:

Heard Mr.Upendra, counsel for petitioner and the Assistant Government Pleader.

The petitioner prays for Mandamus declaring the action of respondents 3 and 4 in erecting a notice board on petitioner's land to an extent of 1824 square yards in Survey No.34/4, Zeroith Patta No.1363 of Rasapuvanipalem Village, Visakhapatnam, Visakhapatnam District, as illegal, arbitrary and unconstitutional.

The subject matter of writ petition is an extent of 1824 square yards in Survey No.34/4 of Rasapuvanipalem Village within the boundaries of:

North : 10 ft. road

South : Thatched house

East : 10 ft. road

West : 10 ft. road

Mr.Upendra contends that extent covered by Survey No.34/4 is the subject matter of writ petition No.621/1961 and this Court through order dated 16.12.1963 confirmed the rytowari patta granted under Section 11 (a) of the Estates (Abolition and Conversion into Rytowari) Act, 1948 (for short 'the Act'). The petitioner claims to have purchased the subject matter through sale deed dated 09.08.1990. Therefore, according to him, treating the petition land as Government land is illegal, arbitrary and unconstitutional.

The Assistant Government Pleader contends that the order in writ petition No.621 of 1961 cannot be relied upon by the petitioner because the name of vendor of petitioner is not found in the order. Further the property now claimed and the schedule of property to the sale deed dated 09.08.1990 cannot be effectively considered or identified in a proceeding under Article 226 of the Constitution of India. In the entire extent of Survey No.34/4 what is the land granted to petitioner's vendor and where is this property are not clear from the affidavit. After perusing the affidavit and also the documents on which the petitioner is relying upon, this Court finds it difficult to entertain the prayer, decide the grant of patta under the Act and correlate such grant of patta to the land now claimed by petitioner. Except by relying upon the order of this Court, no other contention is put forth.

The writ petition is dismissed. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT, J

Date: 28.06.2017

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