

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.18220 OF 2009

ORDER:

Sri Varaha Lakshmi Narasimha Swamy Devasthanam filed the present writ petition challenging the inaction of the respondents in handing over the land of an extent of Ac.17.68 cents of dry land situated in Survey No.23/3D2 of Cheemalapalli Village, Pendurthi Mandal, Visakhapatnam District, to it.

The case of the petitioner is that the land of an extent of Ac.383.70 cents situated in Cheemalapalli Village, Pendurthi Mandal, Visakhapatnam District, belongs to the petitioner. The said village was declared as 'not an Inam Estate' under the provisions of the Estates Abolition Act, 1948. The Special Deputy Tahsildar (Inams), Visakhapatnam by order dated 02.11.1978, under Section 3(3) of the A.P.Inams Abolition Act, 1956 held that the lands covered by T.D.No.1191 are inam lands in an Inam village belonging to Simhachalam Devasthanam, the petitioner. However, ryotwari patta was granted under Section 7(1) of the Inams Abolition Act to an extent of Ac.383.70 cents including the land of an extent of Ac.7.75 cents covered by Survey No.24. In fact, Survey No.24 is of an extent of Ac.52.56 cents and in view of the same, the remaining extent of Ac.44.81 cents is yet to be considered for grant of ryotwari patta.

While so, on the declaration filed by one P.Venkateswara Rao, in C.C.No.106 of 1975, the Land Reforms Tribunal, Visakhapatnam, by an order dated 23.05.1979, held that the land of an extent of Ac.17.68 cents dry land in Survey No.24/3D2 of Cheemalapalli village stood reverted to the petitioner. But in the present counter affidavit filed by the respondent No.3, it is stated that no said survey number exists. It is also stated that Survey No.24 was sub-divided into two survey numbers, i.e., Survey Nos.24/1 and 24/2. In respect of land of an extent of Ac.7.75 cents covered by Survey No.24/1, a patta was already granted on 06.09.1996.

Now the learned counsel for the petitioner submits that the patta proceedings with regard to balance extent of land are pending before the competent authority.

In view of the pendency of those proceedings, no relief can be granted in the present writ petition and the earlier proceedings were passed in exercise of powers conferred in Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973. It does not preclude the petitioner from filing the application under the provisions of A.P.Estate Abolition Act. In view of the availability of alternative remedy under the provisions of A.P.Andhra Area (Abolition and Conversion into Ryotwari) Act, 1956, and also in view of the averment made in the counter affidavit of the third respondent with regard to non-existence of land in Survey No.24/3D2, the writ petition is closed

The writ petition is accordingly closed. Consequently, miscellaneous petitions pending, if any, shall also stand closed.

17.07.2017
pln

A.RAMALINGESWARA RAO, J

