

HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.947 OF 2015

ORDER:

The petitioners pray for Mandamus declaring the action of respondents 2 to 4 in not allowing the petitioners from enjoying assigned land in Sy.Nos.337/A1, 337/A2, 337/A3 and 337/A4 in an extent of Ac.2-00 each of Gunthakandala Village, Velugodu Mandal, Kurnool District, as illegal and arbitrary.

On 28.01.2015, this Court directed respondents not to object petitioners from cultivating the subject land. The respondents filed W.V.M.P.No.2839 of 2015 and in the counter affidavit filed along with the vacate stay petition, the reply reads thus:

“....However, a thorough enquiry into the entire record in the office revealed that at no point of time, the petitioners were assigned any land much less, the land in Sy.No.337/A by the Government for the reason that, the said land in Sy.No.337/A is abutting the Forest land in Sy.No.335 and a dispute is continuing between the revenue department and the forest department both claiming the land in Sy.No.337/A which is of an extent of Ac.9.93 cents. And the land is still in possession of forest department. It is absolutely false to state that the joint survey was conducted on 15.02.2014 on the application of the petitioners. On the contrary the fact is that the joint inspection and survey was conducted on 02.12.2014 to resolve the dispute between the forest department and the revenue department. The report of the same has been submitted to the District Collector, the second respondent herein on 10.12.2014 by this respondent and further action is awaited. In view of the said fact the claim of the petitioners that they have been assigned the land in Sy.No.337/A in the year 2000 itself is baseless and misleading. The revenue department could not have issued pattas to the petitioners without delivering

possession to them. Further this office records disclose that no such pattas were ever granted with the proceedings numbers on the certificates produced by the petitioners. Further the fact is that the petitioners 3 and 4 are wife and husband clearly shows that the said pattas are fabricated for the reasons that whenever assignment of land is made, wife and husband are never assigned land separately. It is also true that applications for the assignment of the land was made for the purpose of Autonagar by the Mechanical workers union Velugodu but however, no action has been initiated on the said application till date”.

Having regard to the dispute raised by the 4th respondent, learned counsel appearing for petitioners requests the Court to permit the petitioners to file an objection/appeal before 2nd respondent for comprehensive reliefs. The request of petitioners is accepted. Four week time is granted from today to file objection or appeal before the 2nd respondent vis-à-vis the subject matter. The 2nd respondent to consider and pass orders within two months thereafter. The parties are directed to maintain *status quo* regarding possession as on today for a period of two months.

The writ petition is, accordingly, disposed of with the above observations. There shall be no order as to costs.

Consequently, pending miscellaneous petitions, if any, also stand disposed of.

S.V.BHATT, J

12th June, 2017

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