

THE HONOURABLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No.26803 OF 2006

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, came to be filed seeking issuance of a writ in the nature of Writ of Certiorari calling for the records relating to the proceedings issued by the Joint Collector in Proceedings No.F3/4350/2002-F3/33/Inam/2 dated 22.12.2005 and quash the same.

The facts in issue leading to filing of the present writ petition are as follows:

The land admeasuring Acs.20-09 guntas situated in survey Nos.420, 421 and 422 of Tellapur Village of Ramachandrapuram Mandal of Medak District, was originally granted to Ramoji Rao, who is the grand father of the petitioner herein, and the same was indicated in Virasat/Succession in Sl.No.1480, which indicates that the lands were granted to Sri Ramoji Rao and makta was paid for the said Jagir. Except said Ramoji Rao, no other person was in possession of the schedule mentioned land since 1306 fasli. Said Ramoji Rao adopted Venkata Laxmana Rao and Kondala Rao. Thereafter, said Ramoji Rao was blessed with one son by name Purushotham Rao. Amongst them, Laxmana Rao died issueless. Kondala Rao had three sons viz., Laxman Rao, Sudhakar Rao (petitioner herein) and Ramaji Rao. By virtue of rights accrued, petitioner's father and after his death, petitioner and his brothers were cultivating the said lands and were eking out their livelihood. Further, another document i.e. munthakab shows the name of Ramoji Rao as owner of the lands. The kasra pahani for the year 1954-55 indicates the name of Ramoji Rao as pattedar whereas the

Adangal of the year 1984-85 indicates the name of respondents 3 to 5 as pattedars. It is pleaded that the Revenue Divisional Officer conducted an enquiry under Inams Abolition Act on 27.12.1993 and granted pattas to respondents 3 to 5 without even following the procedure contemplated under the Act. Petitioner herein was not even issued with any notice before granting pattas to respondents 3 to 5. On coming to know about the grant of patta in favour of respondents 3 to 5, the petitioner filed an appeal wherein vide order dated 22.12.2005, the Joint Collector has confirmed the order of Revenue Divisional Officer on the ground that the petitioner failed to put forth substantial evidence to show that he is the legal representative of Ramoji Rao. Aggrieved by the same, the present writ petition came to be filed.

On 26.12.2006, this Court admitted the writ petition, but no interim orders were passed. It is to be noted that Writ petition was dismissed against respondents 4 and 5 since conditional order dated 25.04.2013 was not complied with. Further, vide WPMP Nos.30092 of 2007 and 19646 of 2015, respondents 6 and 7 were brought on record.

Learned counsel for the petitioner would mainly contend that the petitioner is the pattedar of the subject lands and the authorities have grossly violated the provisions of Sections 6 and 7 of the Inams Abolition Act.

It is to be noted that, no material has been placed before this Court to show that the petitioner has raised any objection with regard to violation of provisions of Sections 6 and 7 of the Inams Abolition Act, either before the RDO or the Joint Collector. The

main ground urged by the petitioner before the RDO as well as the Joint Collector was that he is the legal heir of the Ramoji Rao and was in possession of the lands.

A perusal of the material on record would clearly indicate that the petitioner has not filed any document to show that he is the legal heir of Ramoji Rao. The petitioner has also not filed any document to show that he is in possession of the subject land as on the date of vesting i.e.01.11.1973, on which date the ORC was granted. On the other hand, the respondents produced copies of Ryothwari Patta issued by the Tahasildar, Pattedar Pass Books, Land Revenue receipts, copy of voter list, L.R. certificate issued by Gram Panchayat, to prove that they are the sons of Gattupalli Yellaiah and are in possession of said land.

Sri Meherchand Nori, learned counsel for respondent No.7, would submit that the averment in the counter that there are no legal heirs to Purushotham Rao is absolutely incorrect. According to him, respondent No.7 is the daughter of Purushotham Rao, who is the natural son of late Ramoji Rao, and thus respondent No.7 is having right over the subject lands. He further submitted that said Purushotham Rao died leaving his wife and three daughters (including R.7), as his legal representatives. In spite of the same, they were not made as parties to the proceedings. An application came to be filed before the authorities suppressing the true facts.

Having regard to the above and taking into consideration the facts in issue, the Writ Petition is dismissed giving liberty to the implead petitioners/aggrieved persons to agitate their rights before the appropriate Forum, in accordance with law.

Consequently, miscellaneous petitions pending in this writ petition, if any, shall stand closed. No order as to costs.

JUSTICE C. PRAVEEN KUMAR

06.09.2017
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