

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.17827 of 2017

ORDER:

The petitioners pray for Mandamus declaring the action of the respondents in granting house site pattas in Sy.No.284 in an extent of Ac.1-59 cents in Movva Grampanchayat and Mandal, Krishna District, which is classified as graveyard/burial ground as illegal, arbitrary and unconstitutional (emphasis added).

From the prayer as well as the averments in the writ affidavit, it is clear that the petitioners apprehending assignment of house site pattas in the subject matter of the writ petition have filed the instant writ petition.

This Court has difficulty in considering the prayer at this juncture, as the action impugned refers to granting house site pattas and preventing the respondents by issuing necessary orders. This court is of further view that once the land is classified as graveyard or graveyard poramboke, it is for the revenue authorities to examine the prohibition under the Board Standing Order and take appropriate decision. Even assuming that the respondents deviate from the procedure under the Board Standing Order and grant a few assignments to third parties in the subject matter of the writ petition, still the petitioners can challenge the assignments along with other decisions taken in this behalf by way of appeal before the Revenue Divisional Officer, Machilipatnam-2nd

respondent or the District Collector, Machilipatnam-3rd respondent as the case may be.

On the ground that for the writ prayer is premature, the writ petition is dismissed. However, liberty is granted to petitioners to challenge, if assignment is done or undertaken by the respondents otherwise than in accordance with law.

Miscellaneous petitions, if any, pending, shall stand closed.
No order as to costs.

Dt: 06-06-2017
Prv

S. V. BHATT, J



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