

HON'BLE SRI JUSTICE S.V. BHATT

Writ Petition No.17601 of 2017

ORDER:

The petitioners, pray for writ of Certiorari, and calling the records pertaining to pre-abolition (Estate-A Register) and post-abolition records in respect of the lands in Sy.Nos.30, 31, 32, 141 and 142 to an extent of Ac.206.87 cents situated at Kommadi Village, Chinnagadili Mandal, Visakhapatnam District and also the lands in Sy.No.28/ 2; 36/ 2 of the same village and direct the 6th respondent to cancel the copies of 1-B issued in favour of 3rd parties and rectify the records by deleting the classification from Gayalu to Ziroithi in favour of the petitioners as per the Estate-A Register to an extent of Ac.206.87 cents and pass appropriate orders.

2. The petitioners have invoked the extraordinary jurisdiction of this court for the relief referred to above treating the paper Notification in L.Dis.No.839/ 2017/ D2 dated 13.05.2017 as cause of action.

3. Mr. M.V. Hanumantha Rao, counsel for the petitioners, after making his submissions for considerable time and also by agreeing to the fact that the writ prayer if entertained virtually amounts to this court considering and deciding the disputes as primary authority under the A.P. Estates (Abolition and Conversion into Ryotwari) Act, 1948 and the A.P. Land in Pattadar Pass Books Act etc. etc. and that by reference to a press notification the disputed facts as well as the question of title cannot and could not be gone in to under Article 226 of the Constitution of India, requests the court to permit the petitioners to file representation before the 6th respondent against the paper notification dated 13.05.2017.

4. Learned Assistant Government Pleader for Revenue and Mr. Sambasiva Pratap, Government Pleader for Forests, oppose the limited prayer of giving liberty to the petitioners to file a representation before the 6th respondent.

5. This court is of the view that the 6th respondent through paper notification asserted a particular state of affair vis-à-vis property referred therein. The petitioners, if have any grievance, they can certainly bring to the notice of 6th respondent, about their grievance on the assertion of 6th respondent remedies cannot be shut out to a citizen. Therefore, while dismissing the writ petition, the petitioners are given liberty to represent before 6th respondent within a week from today in this behalf and this court has no reason to doubt that the 6th respondent will certainly examine the representation of the petitioners, including whether fraud now alleged, is perpetuated in the instant proceedings or epic centre is in the Revenue Department.

6. With the above observation, the writ petition is dismissed. It is made clear that this court has not expressed any view on the case of the petitioners and not expressing any view on the paper notification dated 13.05.2017. No order as to costs. Pending miscellaneous petitions if any in this writ petition shall stand dismissed in consequence.

S.V. BHATT, J

Date: 05.06.2017
Note: Furnish CC in two days
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