

HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.20887 OF 2016

ORDER:

The subject matter of writ petition is an extent of Ac.1-00 in Sy.No.117/8 of Antili, Garlapadu Village, Hiramandalam Mandal, Srikakulam District.

The petitioner prays for Mandamus declaring the action of respondents 2 to 4 in interfering with petitioner's possession and enjoyment, without recourse to law, as illegal, arbitrary and unconstitutional.

The petitioner relies upon pattadar pass book issued in his favour and also the copy of pahani dated 04.03.2015 in support of his right, possession and enjoyment. The petitioner has filed annexure P-3, the endorsement dated 21.05.2015, which reads thus:

"Rc.No.234/2015/A/Dt.21.05.2015 Office of the
Tahsildar,
Hiramandalam

Endorsement

Tottadi Sundaranarayana, s/o Appanna, Garlapadu, Attili, Village, lodged a complaint to the District Collector in GBRS.No.3332337H Dt.31.03.2015 stating that out of Ac.5-90 cents of Government Land situated in S.No.117/8, a D-form patta was granted in his favour for Ac.1-00 by the Government and one Bongu Venkataramana s/o Linga Naidu has highhandedly trespassed and occupied the same. A similar complaint was also made to the Revenue Divisional Officer, Palakonda in Rc.No.336/2015 Dt.14.04.2015 through Praja Vaani program besides representing the issue to the Tahsildar by paying an amount of Rs.250/- paid in Mee Seva vide reference No.DER.01150025464. On verification of records, it came to light that the land in

S.No.117/8 is recorded as Government land and no entry has been made in records granting D-form patta to anybody. A mango tope with four years of age is found in an extent of Ac.1-00 in favour of Tottadi Sundaranarayana and in the enquiry conducted by the Mandal Surveyor, it is found that the said land is not in your possession. Those two persons have not produced any D-form patta in respect of the land and since the land is a Government land, both of you have no right in it and the government intended to take possession of the land”.

Now, Mr.Rajkumar, appearing for petitioner, contends that the 4th respondent without affording opportunity to petitioner and behind his back recorded several findings of possession, entitlement etc., of petitioner. Further, the endorsement suggestively encourages 5th respondent to grab or encroach the subject land in possession of petitioner. Therefore, he requests the Court to direct 4th respondent to issue notices to petitioner as well as 5th respondent, enquire into the matter and pass orders expeditiously.

I have perused the endorsement and *prima facie*, this Court is of the view that the 4th respondent, it appears from the tenor of the endorsement dated 21.05.2015, did not issue notice to petitioner or 5th respondent. As there are rival claims in respect of a portion of the land, to meet the ends of justice, the writ petition is disposed of by this order:

- (a) either the petitioner or the 5th respondent is given liberty to file petition/representation asserting their possession and entitlement of subject matter of writ petition by enclosing a copy of this order within four weeks from today;

- (b) the 4th respondent after receiving the representation issues notice to opposite party, conducts enquiry and passes order within six weeks thereafter; and
- (c) the parties are directed to maintain interim order dated 29.06.2016 for a period of ten weeks.

There shall be no order as to costs.

Consequently, pending miscellaneous petitions, if any, stand closed.

24th July, 2017

Lrkm



S.V.BHATT, J