

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.15625 of 2017

ORDER:

The case of the petitioner is that the land to an extent of Ac.0.63 cents in Survey no.40/9 of Nekkandi Revenue Village is originally ancestral property of Sri S.Subrahmanyam and Sri S.Agasthappa alias Reddiappa; that the said S.Agasthappa filed petition under Section 11(a) of the Estate Abolition Act, 1948; and that the Additional Assistant Settlement Officer, Chittoor after due enquiry, through proceedings in SR No.717/11(a)/165/PGN, dated 23.08.1965 granted settlement Patta in favour of the said Agasthappa. After demise of Agasthappa his two sons succeeded the subject property and on 22.05.1985 they have sold away the subject property to the petitioner's father. After purchase petitioner's father took possession of the subject property and submitted application to the 2nd respondent on 21.03.2011, requesting to implement the order dated 23.08.1965 passed by the Addl.Asst.Settlement Officer, Chittoor and also to the respondents 3 and 4 to issue pattadar pass books and title deeds. Thereafter on 02.04.2011, the then District Collector, Chittoor District through proceedings dated 02.04.2011 directed the 4th respondent to send inspection report to take action in the matter. But, the 4th respondent has not complied with the same. While the things stood thus, petitioner's father executed a 'will' dated 23.02.2011,

bequeathing his properties in the name of petitioner, including the subject property. After demise of petitioner's father the will dated 23.02.2011 was acted upon and petitioner became the owner of the subject property. Immediately, the petitioner filed L.R.Petition before the 2nd respondent to implead him as the legal representative of his father in pending proceedings in Roc.No.F3/2918/2011 and thereafter the 1st respondent vide proceedings dated 15.04.2016, directed the 4th respondent to inspect the subject land and sent detailed inspection report. As no action is being taken till date present writ petition is filed.

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Revenue.

The case of the petitioner is that settlement patta was granted way back on 23.08.1965 by the 2nd respondent and from the sons of grantee, petitioner's father purchased the same through registered sale deed and executed will in favour of petitioner on 23.02.2011. After the death of petitioner's father, petitioner succeeded the subject property and as such the petitioner is seeking succession of the said property purchased by his father.

In view of the same, it is open for the petitioner to make application in 6A before the 4th respondent under the provisions of A.P.Rights in Land and Pattadar Pass Books Act,

1971 along with supporting documents and on such application, the 4th respondent is directed to dispose of the said application after issuing notice to the petitioner and affected parties therein, within a period of three months from the date of receipt of a copy of this order. While disposing of the said application the 4th respondent has to verify whether the patta granted by the 2nd respondent under Estate Abolition Act has become final.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

27.04.2017
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A.RAJASHEKER REDDY, J

