

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.12980 OF 2017

ORDER:

The case of the petitioners is that the father of the 1st petitioner i.e. late Sanyasi Naidu and his brother Gorle Nooka Raju filed a claim petition in Sr.No.55/68 before Settlement Officer, Visakhapatnam, seeking to grant Ryothwari Patta in respect of the land in possession, to an extent of Ac.2.07 cents situated in RS.No.114/part of Kothapalem Village, Gopalapatnam, Visakhapatnam district; and that the Settlement Officer by his order dated 29.09.1999 allowed the claim petition directing the Tahasildar to issue patta in respect of Ac.2.02 cents and the remaining Ac.0.05 cents to be left for pathway. Aggrieved by the finding regarding deduction of area of Ac.0.05 cents covered by the pathway to be maintained as a Rasta Poramboke, the father of the 1st petitioner filed revision petition in RP.No.36/70 before the Director of Settlement, Hyderabad and the same was allowed holding that the pathway existing in the schedule land is a private land. Assailing the said order no appeal or revision has been filed by the revenue department and thus the order of the Director of Settlements, Hyderabad, had attained finality. Thereafter the petitioner has been corresponding and requesting the revenue officials to change the wrong classification of the subject land of the father of the 1st petitioner in the revenue records which is under process. The petitioners 2 to 5 and some others purchased the

said land from the 1st petitioner and have constructed houses and are in peaceful possession of the land subject land. It is further submitted that several times representations have been submitted by the petitioners regarding grant of patta in respect of the subject land but in vain. While so, in the year 1974, the government had initiated land acquisition proceedings for Shreeram Mills, in respect of certain lands in the vicinity of Gopalapatnam, Visakhapatnam including the land in Survey No.114 and subsequently dropped the said proceedings against the said lands. The land of the petitioners in Survey No.114 was reflected in the said list as Ryotwari Dry. As such, the petitioners along with some others made several representations dated 24.01.2011, 22.12.2014, 30.03.2015, 14.12.2015 to the 2nd respondent-District Collector, requesting for incorporation in revenue records but till date neither action was taken nor passed any orders on the said representations. Aggrieved by the action of the respondents in not considering the representation of the petitioners, present writ petition is filed.

Heard learned counsel for the petitioners.

Learned Assistant Government Pleader for Revenue submits that the Collector (2nd respondent) has no authority for mutating the name of the revenue records and that the petitioners have to make necessary application in Form 6 A of the A.P.Rights in Land and Pattadar Pass Books Act, 1971.

Learned counsel for the petitioners submits that the petitioners will make necessary application before the 4th respondent along with necessary documents.

In view of the above, it is open for the petitioners to make application in Form 6A of the Act, 1971 before the 4th respondent stating the above facts along with necessary documents, and on such application being filed by the petitioners, the 4th respondent is directed to consider the same and pass orders, in accordance with law, within a period of three months from the date of making application by the petitioners.

With the above direction, 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.

A.RAJASHEKER REDDY, J

12.04.2017

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