

HON'BLE SRI JUSTICE S.V. BHATT

**W.P.Nos.31782, 31789, 31827, 31845, 31075, 31967,
31968, 33205, 33209, 37596 & 38458 OF 2014**

COMMON ORDER:

Heard Sri V.Eswaraiah Chowdary for petitioners and the Assistant Government Pleader (Revenue) for respondents 1 to 3.

The petitioners in the instant batch of writ petitions challenge proceedings D.Dis.G/5831/2014 dated 04.02.2014 of respondent No.3 as illegal, violative of principles of natural justice and without jurisdiction.

The circumstances relevant for disposal of the writ petition are brief stated.

The petitioners are purchasers of house plots either from B.A.Krishnamanaidu and B.Lakshamma or vendees of B.A.Krishnamanaidu and B.Lakshamma. Respondent No.3 on the application of B.A.Krishnamanaidu and B.Lakshamma in SR.No.27/90 dated 13.12.1990 granted ryotwari patta in favour of B.A.Krishnamanaidu and B.Lakshamma. Respondent No.4 in the year 2014 filed appeal before respondent No.2. The 2nd respondent through the proceedings impugned in the writ petition allowed the appeal filed by 4th respondent and the operative portion reads as follows:

“On verification of the village account it is noticed that S.No.451/2 measuring an extent of acres 6.28 cents is classified as dry land and registered in B.A.Krishnamanaidu and B.Lakshamma w/o Krishnama Naidu vide patta No.364. I have verified the registered document No.2741 dated 30.8.1966 filed by the appellant and inspected the field, the

boundaries mentioned in the document is tallied with the boundaries on the ground of the scheduled land in S.No.451. In the interest of the natural justice of the case, the ryotwari patta granted in favour of respondent No.3 for an extent of acres 3.00 acres out of 6.28 acres by I.D.T, Chittoor vide S.R.No.27 dated 13.12.1990 set aside and remanded to the I.D.T, Chittoor, Chittoor for afresh enquiry.

In the above circumstances the appeal is partly allowed and remanded the case to the IDT, Chittoor for fresh enquiry.

A revision petition lies against this order before Commissioner, Appeals O/o Chief Commissioner of Land Administration, A.P. Hyderabad u/s 14-A of the Act within 60 days from the date of receipt of this order”.

Hence, the writ petitions by persons who claim to have subsisting interest in the subject matter of appeal and who are not made parties in appeal and still orders are passed by respondent No.4.

The principal objections against the proceedings impugned in the writ petition are that appeal has been filed and entertained nearly after 14 years from the date of grant of ryotwari patta and it is not stated or shown that 4th respondent is an aggrieved party against grant of ryotwari patta. Further, without service of notices on the individuals who have subsisting interest in the property and/or at least on B.A.Krishnamanaidu and B.Lakshamma, the order impugned in the writ petitions has been passed. Therefore, the petitioners pray for setting aside the impugned order.

Sri Veera Brahmaiah/RDO Tirupati after verifying the subject file filed his counter affidavit. The counter affidavit, on service of notice etc., reads thus:

“It is submitted that, the contention of the petitioners is that they have purchased the lands through registered deeds

from the original owners. In this context it is submitted that this Hon'ble Court has held that

“it is well settled that mere registration of a document does not give any warranty of title and mere registration by itself would not affect the interest of the Govt., if any, in any particular property.”

In the instant case the original owners are to be decided in accordance with the procedure laid down under the provisions of A.P Inams (Abolition & Conversion into Ryotwari) Act, 1956 by the Inams Deputy Tahsildar, Chittoor after issuing notices u/s 3 of the Act and after examining all the documentary evidences put forth by the claimants appropriate orders to be passed. The lapse in issuing notice to the predecessor of the 4th respondent is blatant defect and suffers the ingredient of the section 3 of the Act by which ultimately the Inams Deputy Tahsildar, Chittoor did not meet the ends of justice. To rectify such procedural lapses the matter has been remanded to the Inams Deputy Tahsildar, Chittoor for fresh enquiry by which action not only the present petitioners but those interested parties are also at liberty to agitate for their right over the land by producing cognizable documentary evidence in support of their claim.

It is further submitted that, after noticing that the parents of the 4th respondent are deserved to be enquired by the primary tribunal i.e., Inams Deputy Tahsildar, Chittoor, the patta granted to the predecessors of the petitioners has been set aside by the Revenue Divisional Officer, Tirupati on 04.02.2014 vide proceedings D.Dis.G.5831/2014, and the matter of grant of ryotwari patta has been remanded to the Inams Deputy Tahsildar, Chittoor for fresh enquiry by issuing notices to interested parties. Therefore present petitioners or others who have interest over the subject land are at liberty to file their claims with relevant documentary evidence in support of their claim over the subject land and it binding on the Inams Deputy Tahsildar, Chittoor to take enquiry by issuing notices to all the interested parties and to pass appropriate orders on each and every claim. The petitioners or their predecessors or any other interested parties are therefore may seek redress of their grievance before the Inams Deputy Tahsildar, Chittoor”.

Both by looking at the order impugned in the writ petitions and also stand taken in the counter affidavit, this Court is satisfied

that the exercise of appellate jurisdiction by 2nd respondent is neither legal nor tenable. Further, without even service of notices on the persons interested in the property and/or B.A.Krishnamanaidu and B.Lakshamma, the order impugned in the writ petitions is passed. The 4th respondent in spite of service of notice is not marking his appearance in the writ petitions.

The Assistant Government Pleader, by taking note of the stand taken by the Revenue Divisional Officer/2nd respondent states that notices could not be served on the grantees of ryotwari patta, submits that the proceedings impugned can be set aside and matter remitted to 2nd respondent for disposal in accordance with law. On these two grounds, the proceedings of the RDO in D.Dis.No.G/5831/2014 dated 04.02.2014 are set aside. Matter is remitted to 2nd respondent for consideration and disposal in accordance with law. The 4th respondent is given liberty to file appropriate petitions for correction of cause title to include the names of petitioners herein as contesting respondents, thereafter notices are taken out to the parties who purchased from pattadars, and thereafter the 2nd respondent hears the appeal and disposes of on merits.

The writ petitions are, accordingly, ordered, There shall be no order as to costs.

Consequently, pending miscellaneous petitions stand closed.

S.V.BHATT, J

26th July, 2017
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