

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.33672 OF 2017

DATED : 10.10.2017

Between :

K.Vimala W/o.Late Bakthavatsala Naidu,
Aged about 72 yrs, Occu : Housewife,
R/o.Kothaindlu Village, A.L.Puram Post,
Gudipala Mandal, Chittoor District & others.

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Petitioners

And

The Chief Commissioner of Land Administration,
Government of Andhra Pradesh,
Gollapdudi, Vijayawada,
Krishna District, A.P. & others.

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Respondents



This court made the following :

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ORDER :

Heard.

2. Petitioners are aggrieved by the order of Joint Collector, Chittoor dated 16.08.2017, whereunder the Joint Collector directed deletion of entries in the revenue records pertaining to land in Sy.No.339/2 measuring Ac.6-12 cents of Diguva Thadakala Village of Tavanampalle Mandal, and to cancel the pattedar pass books and title deeds. The order also says that an appeal would lie to the Chief Commissioner of Land Administration in accordance with the provisions contained in Board Standing Order. Petitioners contend that an appeal was preferred to the Chief Commissioner of Land Administration and along with the appeal an application was also filed to stay the orders of the Tahsildar. Alleging that so far the application to grant stay is not considered, this writ petition is filed.

3. Learned counsel for the petitioners submit that petitioners have volume of record in support of their claim of private patta lands. The decision of the Joint Collector is one sided and is erroneous. He further submits that not considering the appeal along with the stay application is erroneous. He also contends that the appeal is sent by registered post on 16.09.2017.

4. Learned Assistant Government Pleader, submits that there is no proof of filing of such appeal. Therefore, the question of disposing of appeal or the stay application does not arise.

5. Having regard to the said submissions, this Court is not inclined to enter into the merits of the issue and taking note of the objection of the learned Assistant Government Pleader, the following order is passed :

If the Chief Commissioner of Land Administration is in receipt of appeal claimed to have been filed by the petitioners on 16.09.2017, he shall consider the appeal and stay application filed and pass appropriate orders by following the due procedure, as required by law. Such order shall be passed within a period of three (3) weeks from the date of receipt of copy of this order. If no such appeal along with stay application is received, the petitioners shall be informed accordingly.

6. With the above directions, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

10th October 2017
Rds

P.NAVEEN RAO,J