

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.12677 OF 2015

ORDER:

This writ petition is filed seeking writ of *mandamus* declaring the issuance of the impugned Gazette Notification No.26, dated 03.07.1986 by the 1st respondent under Section 15(4) of the Andhra Pradesh Bhoodan and Gramdan Act, 1965 making final publication of donation of Bhoodan lands admeasuring Ac.2.12 cents in Sy.No 276/8, Ac.1.34 cents in Sy.No.276/23, Ac.4.16 cents in Sy.No.278/1 and Ac.1.89 cents in Sy.No.278/1-3 total admeasuring Ac.9.51 cents situated at Ramanaiahpetta Sivaru (Hamlet) of Gaigalapadu Village, Kakinada Rural Mandal, East Godavari District as illegal, arbitrary, inoperative and contrary to the procedure contemplated under Section 15(4) of the Andhra Pradesh Bhoodan and Gramdan Act, 1965.

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

Learned counsel for the petitioners submits that after filing of the present writ petition, 1st respondent retracted the impugned Gazette Notification No.26, dated 03.07.1986 by issuing Gazette Notification No.31, dated 04.08.2016 and same is published in the A.P Gazette. He further submits that basing on the impugned notification dated 03.07.1986, the application of the petitioners for grant of pattadar passbooks and titled deeds was rejected by the Mandal Revenue Officer-5th

respondent vide endorsement dated 02.07.2012 and that against the said orders, petitioners preferred an appeal before the 4th respondent-Revenue Divisional Officer on 29.04.2013. He further submits that since the impugned notification dated 03.07.1986 is retracted by Gazette Notification dated 04.08.2016, the appeal has to be disposed of by considering the same.

Learned Assistant Government Pleader for Revenue submits that when the petitioners made an application for issuance of pattadar pass books and title deeds, same was rejected by endorsement dated 02.07.2012 by the Mandal Revenue Officer, on the ground that the subject land was recorded in the name of A.P. Bhoodan Yagna Board, and that against the said order, petitioners preferred appeal before the Revenue Divisional Officer-4th respondent on 29.04.2013.

In view of the above facts and circumstances, without expressing any opinion on merits of the case, since it is stated that the appeal is stated to be pending before the 4th respondent, it is left open for the petitioners to place the retraction Notification dated 04.08.2016 issued by the A.P.Bhoodan Yagna Board, before the 4th respondent and thereafter, the 4th respondent is directed to dispose of the appeal filed by the petitioners, within a period of six weeks, from the date of receipt of a copy of this order, in accordance with law, after issuing notice and affording an opportunity of hearing to the petitioners.

With the above direction, the writ petition is disposed of
No costs. As a sequel thereto, miscellaneous petitions, if any,
pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

12.04.2017
dv/kvs

