

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION NO.3570 OF 2006

ORDER:

The petitioner filed this writ petition, seeking to declare the action of the respondents in dispossessing the petitioner from the land in an extent of Ac.1-04 cents in Sy.No.166/4 of Purushothapatnam Revenue Village of Seethanagaram Mandal, East Godavari District as illegal, arbitrary and violation of principles of natural justice and consequently set aside the orders passed by the 5th respondent in proceedings No.F1/10943/95, dated 23-07-2005 and for not considering the orders passed by this Court in W.P.No.16645 of 1995, dated 10-3-2005.

2. In the earlier round of litigation, the petitioner filed W.P.No.16645 of 1995 and this Court has disposed of the same, directing the petitioner to file a fresh application before the second respondent therein for grant of patta and on such application, the second respondent shall consider and dispose of the same within a period of eight weeks uninfluenced by the orders passed by the 4th respondent therein dated 7-06-1995 reversing the order passed by the third respondent on 26-08-1993, and till such time, the interim orders passed by this Court shall continue.

3. The petitioner has failed to file an application as directed by this Court and on the other hand, the 5th respondent passed orders on 23-07-2005, directing the first respondent to take further action in the matter in pursuance to the orders passed by the 4th respondent. The petitioner filed a claim petition under Section

11(A) of Estates Abolition Act, 1948 before the 5th respondent on 28-09-2005 by way of Registered Post.

4. The respondents filed a counter affidavit, stating that the petitioner failed to file his application before the 5th respondent as per the orders passed by this Court in W.P.No.16645 of 1995.

5. Heard.

6. Though there are laches on the part of the petitioner in not following the orders passed by this Court in W.P.No.16645 of 1995, the 5th respondent also ignored the said orders, wherein, it was categorically observed certain facts in favour of the petitioner. The 5th respondent has acted in pick and chooses method while passing the impugned order and has proceeded in disposing of the matter without appreciating the entire order in W.P.No.16645 of 1995.

5. Accordingly, the writ petition is disposed of, setting aside the order of the 5th respondent in proceedings No.F1/10943/95, dated 23-07-2005, giving liberty to the petitioner to file an application afresh as per law before the 5th respondent, within a period of four weeks from today and thereafter, the 5th respondent shall consider the same and pass appropriate orders within a period of three months thereafter by giving reasonable opportunity to the petitioner. No order as to costs. As a sequel, the miscellaneous petitions pending if any shall stand closed.

T.AMARNATH GOUD, J

Date: 07-12-2017.
Shr.