

THE HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.25056 of 2009

Date: 06-09-2017.

BETWEEN:

Bandaru Venkateswara Rao and others.

...Petitioners.

AND

The Govt. of A.P., rep by Secretary,
Revenue Dept., Secretariat Building,
Hyderabad and others.

...Respondents.



THE HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.25056 of 2009

ORDER:

Heard Mr. G. Krishna Murthy, learned counsel for petitioners and the learned Assistant Government Pleader (Revenue) for respondents.

2. The petitioners challenge communication Ref. G.2774/2002, dated 28-11-2007, addressed by fourth respondent to second respondent as illegal violative of principles of natural justice and not conforming to the record prepared in respect of subject survey numbers through Ref.E1.1878/80, dated 14-12-1985 read with Memo Ref.B.No.66/85, dated 07-01-1986, and the list appended to the instant memo. The short and long of petitioners' grievance is that the list of owners now prepared by respondent No.4 excludes the claims of petitioners and the procedure followed is contrary to law and violative of principles of natural justice.

3. Sri G. Krishna Murthy with a view to bringing home his assertion that preparation of list of land owners ought to be objective and conforms to the record maintained both under pre and post-abolition periods submits that the respondents acted arbitrarily and sufficient opportunity is not given to petitioners. According to him, the petitioners are prepared to demonstrate that they are entitled for including their names as land owners of Reformed Lanka Lands. He draws the attention of the Court to the stand taken by fourth respondent in counter affidavit, which reads as follows:

*“Accordingly, the Special Team headed by the
Tahsildhar, KRC, Rajahmundry has examined the material filed*

by Sri Bandaru Venkateswararao S/o.Sriramulu and Sri Doddipatla Sesharatnam W/o. Satyanarayana (herein petitioners) and observed among other things that the material is not sufficient to prove their title over the land claimed and disallowed the claims. Aggrieved with the above findings of the Enquiry Officer, the petitioners have rushed to the Hon'ble High Court by filing the present W.P.No.25056/2009 without exhausting the remedies of appeal before the higher revenue authorities."

4. Therefore, he contends that if sufficient opportunity is given before Respondent No.4, the petitioners are ready to establish their case. He requests the Court to give liberty to petitioners to resubmit their representation for recognition as land owners of Reformed Lanka Lands before fourth respondent and that the authorities may be directed to furnish the documents requested.

5. The Assistant Government Pleader (Revenue) firstly submits that as no final decision is taken by the Collector on the communication impugned in the writ petition, the petitioners can be given an opportunity to establish their claims before fourth respondent, before this issue is examined and finally determined.

6. The statements of counsel are placed on record. The writ petition is disposed of by this order:

- (a) The petitioners are given opportunity to apply to authority referred in endorsement dated 18-09-2009 by enclosing a copy of this order within four weeks from today for furnishing copies and such authority is directed to furnish the copies requested by the petitioners within two weeks thereafter.

- (b) The petitioners are also given liberty to resubmit their representations together with documentary evidence in support of their claims for recognising them as owners of Reformed Lanka Lands to fourth respondent within three months from today; and
- (c) Interim order dated 18-11-2009 is directed to be maintained till a decision is taken and communicated to the petitioners.

7. Miscellaneous petitions pending consideration, if any, in this writ petition, shall stand closed in consequence. No costs.

Date: 06-09-2017
mrh



JUSTICE S.V. BHATT