

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 15442 of 2005

ORDER:

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the first respondent in issuing the Proceeding No.E3/ 3804/ 2003, dated 01.06.2005, as illegal and arbitrary and set aside the same to the extent of Acs.3.00 in Survey No.346, situated in Pedda Kadumoor Village, Narva Mandal, Mahabubnagar District.

The averments in the writ affidavit would show that the petitioner claims to be the owner and possessor of Acs.0.30 guntas each in Survey Nos. 346/ 1 and 346/ 2 respectively. In the entire extent, 03.00 acres was purchased by the father of the petitioner under a simple sale from Smt.Sangamma, about 30 years back. Subsequent thereto, the petitioner herein established a Saw Mill and also a work shop for carrying out carpentry work. It is stated that the petitioner made an application to the third respondent for validation of the sale executed by Smt.Sangamma in favour of his father and also for issuance of a pattadar pass book. After due enquiry, the third respondent issued certificate in Form-13(b) under Section 5-A(4) of the Pattadar Pass Books Act and the ownership and possession was issued in his favour to an extent of Ac.1.20 guntas. Since the brothers of the petitioner have not submitted their photographs to the third respondent, pattadar pass books were not issued to them. The grievance of the petitioner is

that though the family of the petitioner own and possess the said land, the Government is taking over the entire extent of Acs.12.04 guntas in Survey No.346 of their village and accordingly issued the impugned notice. Challenging the same, the present writ petition came to be filed.

By an order dated 15.07.2005, this Court, while issuing *rule nisi*, directed the respondents not to dispossess the petitioner in respect of his land, as per the pattadar pass book, issued by the respondents, without following due process of law.

W.V.M.P.No.4259 of 2015 came to be filed seeking to vacate the said interim order and also denying the averments made in the writ affidavit. It is stated that the land admeasuring Acs.3.10 guntas out of Survey No.346 of Peddakadmoor village of Narwa Mandal is a private land.

A reading of the impugned proceedings would show that the lands bearing Survey No.346 admeasuring Acs.12.04 guntas and Survey No.347 admeasuring Ac.0.23 guntas situated in the limits of Pedda Kadumoor Village, belong to the land owner late Smt.Sangamma, W/o. Nagappa which are declared as Escheat Property under Section 2(IV) of A.P.Escheats and Bonavacatia Act, due to the demise of the pattadar, who died issueless and unclaimed. Accordingly, the said lands were taken into Government custody by the MRO. Further, the proceedings dated

28.09.2005, issued by the MRO, pursuant to the impugned notice, reads as under:

“On verification of revenue records an extent of Acs.3.10 guntas out of Survey No.346 was already transferred in the names of purchasers leaving a balance of 8.34 guntas only. Hence, Acs.3.10 guntas is to be deleted from the total extent ie., Acs.12.04 guntas of Survey No.346 and only Acs.8.34 guntas is to be declared as evacuee property.

I am therefore request kindly to issue revised orders declaring Acs.9.17 guntas only ie., Survey No.346 (Acs.8.34 guntas) and Survey No.347 (Acs.0.23 guntas) as escheats and bonavacatia land under Section 2(IV) of A.P.Escheats and Bonavacatia Act, 1974 and the earlier orders may kindly be cancelled for taking over possession of the land into Government custody”.

From the above proceedings, it is clear that out of Acs.12.04 guntas, the MRO, on his enquiry found that Acs.3.10 guntas is a private land which needs to be deleted from the total extent of land. Accordingly, he requested the Collector to issue a revised order declaring Acs.9.17 guntas only as escheats and bonavacatia land under Section 2(IV) of A.P.Escheats and Bonavacatia Act.

In view of the letter dated 28.09.2005, written by the MRO to the Collector, the respondents are directed not to take any steps under the Act referred to above, insofar as Acs.3.10 guntas is concerned. Further, having regard to the above, the Collector shall pass appropriate orders on the letter dated 28.09.2005, issued by MRO, in accordance with law, at the earliest, if not already passed.

With the above direction, the writ petition is disposed of. There shall be no order as to costs.

As a sequel thereto, Miscellaneous Petitions pending if any in this Writ Petition, shall stand closed.

C. PRAVEEN KUMAR, J

10.08.2017
vnb

