THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION NO. 17143 of 2005

ORDER :

Heard learned Government Pleader for Revenue. As there was no representation on 10.08.2017, the matter was directed to be posted to 17.08.2017, under the caption 'for dismissal'. On 17.08.2017, learned counsel for the petitioner took time and the matter was adjourned for a week. Today, there is no representation on behalf of the petitioner. Hence the writ petition is disposed after perusing the records.

2. The present writ petition came to be filed seeking issuance of writ of mandamus directing the respondents to issue pattadar pass book and title deed to the petitioner in respect of the land admeasuring 42 Hectares 60 cents in Survey Nos.1-P, 2-P, 3-1P, 3/2, 41, 49, 55 and 56-1 of Jogipalli Village, Sydapuram Mandal, Nellore District.

3. The averments in the writ affidavit would show that the Settlement Officer, Nellore, granted Ryotwari Pattas to the petitioner and others vide proceedings dated 30.05.1970. The petitioner claims that mining lease was granted to him on 27.05.1994, for a period of twenty years and has been paying royalty on major minerals till 2003. It is stated that the petitioner paid Rs.8.5 lakhs and has been doing quarry business. The petitioner is said to have made an application before the second respondent for issuance of pattadar pass book and title deed in terms of Rule 26 of A.P.Record of Rights in Land and Pattadar Pass Book Rules and the respondents have also acknowledged

the same. The petitioner also claims to have issued a legal notice to the third respondent on 17.02.2002, but there was no response. It is further stated that when third parties filed objections before the second respondent, the same was set aside on the ground that the petitioner and others are in continuous possession of the schedule land. The action of the respondents in not issuing title deed and ryotwari pass books to the petitioner and others, though they claim to be in possession, lead to filing of the writ petition.

3. A counter came to be filed disputing the averments made in the writ affidavit. It is stated that the Jogipalli Village was Sthotrium village, taken over by the Government in 1956, under the provisions of Estate Abolition Act, 1948. It is stated that the order granting patta to the petitioner by the then Settlement Officer, Nellore on 30.05.1970, to the extent of 42 Hectares 60 cents in various survey numbers, was challenged by one Sri Aduru Siddhaiah by way of filing an appeal before the Estate Abolition Tribunal, Nellore. The Tribunal, vide its order dated 13.12.1971, remanded the case to the Settlement Officer, Nellore, for further enquiry and fresh disposal. When the enquiry was in progress, the files were transferred to the Joint Collector, who was designated as a Settlement Officer. It is stated that in 1995, Smt.Aduru Ramasubbamma and four others filed I.A.No.2 of 1995 before the Joint Collector-cum-Settlement Officer, requesting to implead themselves as second set of respondents, which was allowed on 26.07.1995. The said order was confirmed in CMA Nos.6 & 38 of 1996 on the file of Estate Abolition Tribunal, Nellore. It is now stated that after the disposal of the appeals, an enquiry as

contemplated was taken up, which shall be completed soon. Therefore, the question of granting patta and title deed to the petitioner would not arise at this stage.

4. It is to be noted that till date, no reply to the counter affidavit came to be filed. Further, as seen from the above circumstances, though initially patta was granted to the petitioner, the same was set aside by the Estate Abolition Tribunal and the matter was remanded back for enquiry.

5. As per the instructions received in the year 2005, the learned Government Pleader for Revenue submits that the enquiry is still pending.

6. In view of the above submission, if the enquiry is still pending, the concerned authority shall complete the same and pass orders in accordance with law, at the earliest. However, the petitioner is at liberty to approach the concerned authority after passing of the orders in the enquiry.

7. Accordingly, the writ petition is disposed of. Consequently, miscellaneous petitions, if any pending, shall stand closed. There shall be no order as to costs.

_____

JUSTICE C. PRAVEEN KUMAR

31.08.2017
vhb