

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

W.P.No.16906 of 2005

ORDER:

The present writ petition came to be filed seeking issuance of writ of Mandamus declaring the action of the respondents in not issuing ryotwari Patta in his favour for the lands in which he is in continuous possession since more than 42 years by virtue of 'D' Form patta as illegal, arbitrary and violative of principles of natural justice and also violative of Article 300-A of the Constitution of India and consequently direct the respondents to issue regular Ryotwari Patta in favour of the petitioner for the land admeasuring Ac.2.50 cents covered by Survey No.60/4 of Kurmannepalem, Gajuwaka Mandal, Visakhapatnam.

The averments in the affidavit filed in support of the writ petition would show that in the year 1961, the Government allotted land admeasuring Ac.2.05 cents in favour of the father of the petitioner and also issued D-Farm Patta vide Patta No.517. Since then the father of the petitioner is cultivating the land. After his death, the petitioner and his brothers stated cultivating the said land. While things stood thus, the 2nd respondent issued a show-cause notice, calling upon the petitioner to explain as to why the said land should not be confiscated on the ground that father of the petitioner has violated the conditions of the patta by transferring the same to third parties. Pursuant to the said notice, the petitioner submitted his explanation stating that neither his father nor himself have never alienated the said land and that he is still personally cultivating the land.

The grievance of the petitioner is that though he made representation to the respondents to issue ryotwari patta, but till date his representation was not considered by them.

Admittedly, the father of the petitioner was given 'D' Form Patta in the year 1961 and since then, his father was in possession of the property. Subsequently, after death of the petitioner's father, the petitioner claimed to be in possession of the property.

As stated earlier, the present writ petition is filed seeking issuance of writ of Mandamus questioning the action of the authorities in not issuing ryotwari patta. Since the land which has been allotted to the petitioner's father was under 'D' Form patta in which, the petitioner can only inherit, but cannot alienate the land, the question of issuing ryotwari patta in the name of the petitioner would not arise. Hence, I see no merits in the writ petition.

Accordingly, the writ petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

C. PRAVEEN KUMAR, J

Date: 10.08.2017
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