

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION NO. 20862 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 proceeding with the enquiry, in respect of lands in Survey No.254 of Vallerigunta Patteda of Tiruchanoor Village, Tirupathi Rural Mandal, Chittoor District, as illegal and arbitrary.

2. The averments in the writ affidavit would show that in the year 1972, one Varadarajulu Chetty transferred his interest over the land admeasuring Acs.6.65 cents of land in Survey No. 254 of Vallerigunta Patteda of Tiruchanoor Village, Tirupathi Rural Mandal, Chittoor District, for a valuable consideration in favour of the petitioner, pursuant to which he came into possession of the said land. While so, the first respondent issued a public notice dated 26.05.2005, calling for filing of claim petitions, for grant of ryotwari patta. It is stated that prior to the calling of claim petitions, the first respondent passed an order declaring the land in dispute as Inam wet land. Thereafter an appeal was preferred by the District Collector before the second respondent, who stayed the orders of the first respondent, vide proceedings dated 05.08.2004. The said order was challenged in W.P.No.3240 of 2005 by one V.Krishna Murthy through his GPA Holder. Subsequently, this Court in W.P.No.4380 of 2005, granted interim stay of proceedings in the above said appeal, vide its order dated 28.02.2005. It is averred that though the respondents cannot proceed further with the proceedings which are pending before them, a notice

in Form No.V, dated 05.09.2005, came to be issued to the petitioner. Questioning the action of the respondents in proceeding further, inspite of stay of all further proceedings, the present writ petition came to be filed.

3. A counter came to be filed disputing the averments made in the writ affidavit. It is stated that pursuant to the order passed in W.P.No.11457 of 1998, dated 25.02.2003, an enquiry was conducted by the IDT in respect of lands in Survey Nos.254-2, 3, 4, 5, 255-1 and 256-1 of Tiruchanur Village. During the enquiry, notices were issued to all the interested parties by the IDT. The petitioner who participated in the enquiry, claimed other lands only and not the land in dispute. Later, the IDT passed an order vide S.R.No.1 of 2006, dated 25.07.2006, in which the claim of the petitioner was rejected. During the above proceedings, it was noticed that the above referred lands, was classified as "Vallerugunta Kotha Cheruvu", and the same falls under Section 2A of Inams Abolition Act, but not under Section 3(3) and as such not available for grant of patta. Immediately an appeal petition came to be filed under Section 3(4) of Inams Abolition Act, before the Revenue Divisional Officer, Tirupathi by the custodian of communal Government lands, i.e., Tahsildar, Tirupathi(Rural) and District Collector, Chittoor. After noticing the irregularity, the RDO, Tirupathi passed interim orders vide G.No.1137/ 2004, dated 05.08.2004. It is stated as it was only an interim order, pending disposal of appeal, the petitioner ought to have filed a vacate petition before the Revenue Divisional Officer, Tirupathi and contested the matter, before the statutory appellate authority.

4. As seen from the records, the proceedings before the first respondent for holding enquiry for grant of Ryotwari Pattas and the proceedings in the appeal before the second respondent were stayed, which indicate that both the respondents ought not have proceeded further. But, the counter averments would show that pursuant to the interim orders passed in W.P.No.11457 of 1998, an enquiry was conducted and subsequently the request of the petitioner came to be rejected. In the appeal filed under Section 3(4) of Inams Abolition Act, the Revenue Divisional Officer, Tirupati, issued interim orders vide G.1137/ 2004, dated 05.08.2004.

5. At this stage, learned counsel for the petitioner submits that he may be given liberty to pursue his remedies, available under law.

6. In view of the above circumstances and taking into consideration the submission made by the learned counsel for the petitioner, the writ petition is disposed of, giving liberty to the petitioner to avail the remedies, if any, available under law. No costs.

Consequently, miscellaneous petitions, if any pending, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

31.08.2017
vnb