

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P. No.20973 of 2011

ORDER :

Heard counsel for the petitioners and the Government Pleader for Revenue for respondents 1 to 3.

2. None appeared for the Government Pleader for Endowments, even though the name is printed in the cause list.

3. Petitioners filed this Writ Petition alleging that an extent of Acres 96.26 cents in survey Nos.639, 640, 641, 664, 665 and 666 of Yamjal Village, Shameerpet Mandal, Rangareddy District belongs to their family; that this was subject matter of the O.S.No.217 of 1972 filed by the 1st petitioner's husband before the V Additional Judge, City Civil Court, Hyderabad which was compromised on 24.04.1972; that the 1st petitioner's husband died on 23.07.1974; thereafter the petitioners applied for mutation of their names in the revenue records; and that the ROR proceedings were also issued incorporating their names in the revenue records.

4. It is further stated that as per the order of the Land Reforms Tribunal-cum-Revenue Divisional Officer, Rangareddy District in CC.No.1526/M/75 dt.05.08.1983, the 1st petitioner's sons had surrendered an extent of Acres 46.65 cents under the provisions of the A.P. Land Reforms (Ceiling on Agriculture Holdings) Act, 1973 but in spite of the same, the balance extent of Ac.50.00

cents in the above survey numbers is not reflected in their names in the revenue records. They further contend that the 1st petitioner had applied for survey and demarcation of this extent of Acres 50.00 cents, that the Inspector of Survey and Land Records at Rangareddy District was deputed as per file No.G7/2517/91, that a panchanama was also conducted on 27.10.1991 and it was stated that as per Tippans there was overlapping of survey numbers and the extent of Acres 50.00 guntas is not tallying and not traceable.

5. Petitioners contend that when they applied for Market Value Certificate for this extent of land, they were informed by the Sub-Registrar, Shameerpet that the entire land in the above survey numbers is government land and no value can be given. They therefore seek survey, demarcation and delivery of possession of Acres 50.00 cents of land claimed by them from respondents 1 to 3.

6. Counter affidavit is filed by respondents 1 to 3 denying that the petitioners had ever applied for demarcation of the land and stating that one G.S.Jagan Mohan Rao, who is not a party in the Writ Petition, had applied for demarcation and there was a demarcation. However, it is stated that the lands claimed by the petitioners belong to Sri Seetharamachandra Swamy Temple and there is a notification under Section 22-A of the Registration Act, 1908 and therefore, the relief of delivery of possession cannot be granted.

7. It is not denied in the counter affidavit that an extent of Acres 46.65 cents was surrendered as surplus land by the petitioners under the provisions of A.P. Land Reforms (Ceiling on Agriculture Holdings) Act, 1973, that an order had been passed on 05.08.1983 in CC.No.1526/M/75 by the Land Reforms Tribunal-cum-Revenue Divisional Officer, Hyderabad, but the title of the petitioners to the balance extent of Acres 50.00 cents is disputed and it is stated that the 1st petitioner herself has claimed that he sold some land.

8. It is also not in dispute that the notification under Section 22-A published on 15.10.2004 notifying that some of the lands claimed by the petitioners belongs to Sri Seetharamachandra Swamy Temple is no longer valid since Section 22-A of the Registration Act, 1908 itself has been subsequently struck down by this Court.

9. Be that as it may, I am not inclined to go into the question whether the petitioners have title to the land claimed by them, since that would be a matter which would be outside the purview of this Court.

10. However, if the petitioners wish to have a survey or demarcation of the land claimed by them and pay the requisite fee to the 3rd respondent within the period of four (4) weeks from the date of receipt of a copy of this order, the 3rd respondent shall cause a survey and demarcation made and furnish a copy of his

report to the petitioners, after issuing notice to the petitioners, 4th respondent, Sri Seetharamachandra Swamy Temple, Devarayamjal Village and other interested parties so that the respective parties may protect their interest. This exercise shall be completed by the 3rd respondent within a period of twelve (12) weeks from the date of receipt of a copy of this order.

11. It is made clear that this Court has not expressed any opinion on the claim of title of Acres 50.00 cents of land in the above survey numbers of any party and it is open to the petitioners to take appropriate steps to recover possession of the subject land in an appropriate forum.

12. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

13. Consequently, miscellaneous petitions pending if any, shall stand dismissed.

M.S. RAMACHANDRA RAO, J

17th January, 2017.

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