

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 22752 of 2017

Order:

Heard learned Senior Counsel, Sri P. Veera Reddy for the petitioners and learned Government Pleader for the respondents 1 to 5. In view of the nature of disposal of the present Writ Petition, the notice to the respondents 6 to 12 is not issued.

It is the case of the petitioners that the first petitioner is the mother of the petitioners 2 and 3. The father of the petitioners 2 and 3, Ramanaiah died on 26.03.2016 leaving the petitioners as his legal heirs to succeed to his properties. Originally, one Krishnamaneni Veera Raghavulu Naidu was the original pattadar of agricultural land of an extent of Ac.26.74 cents in Survey Nos.578, 577, 579, 581, 580, 593 and 594 of Veerampalli village. He had three sons and the father of the petitioners 2 and 3 is one of the sons. They divided their property through a registered partition deed bearing No.1394 of 1956. Each one of the sons got Ac.8-30 cents after leaving Ac.1.84 cents for formation of bunds, bridges, pathways etc. The second son of the said Veera Raghavulu Naidu and his son jointly sold their shares of land situated in Survey Nos.577, 579 and 580 in favour of one Mamidi Mastanaiah under a registered sale deed dated 22.03.1971. The other son sold an extent of Ac.0-70 cents in Survey No.581/1 and some other properties in favour of one Yellasri Venku Reddy under a registered sale deed dated 17.11.1962. Thus, Rama Naidu and his two sons sold their entire extent of land in Survey No.592 in the year 1971. While so, the father of the petitioners 2 and 3 purchased an extent of Ac.2.00 in Survey No.580, Ac.2.00 in Survey No.581/1 and Ac.2.20 cents in Survey No.593, totalling Ac.6.20 cents under a sale deed dated 22.03.1990 from Krishnamaneni Chandrasekhar

Naidu, S/o Venkama Naidu and Krishnamaneni Krishnama Naidu, S/o Venkama Naidu. Similarly, other extents were also purchased under sale deeds dated 22.03.1990, 05.06.2005 and 25.05.2006. The prescribed stamp duty and registration fee was paid. The fifth respondent issued certificates in Form 13(B) in Rc.No.B.12/09 and Rc.No.B.13/09. The purchases were, thus, validated and entries were made in favour of the petitioners. While so, the respondents 6 and 7 along with others approached the fifth respondent requesting him to show the boundaries for the lands purchased by them. There was claim against the lands in Survey Nos.577, 579, 580, 581, 593 and 594 and the fifth respondent issued notice to all the rival claimants to attend the enquiry on 14.10.2010. The issue could not be finalized. The respondents 6 and 7 submitted a petition before the second respondent on 01.02.2011 to determine the boundaries for their land and the second respondent in turn referred the matter to the third respondent. The third respondent called for a report from the fifth respondent and the fifth respondent submitted a report on 25.03.2011. On the basis of the said report, the third respondent passed an order on 30.08.2011 holding that the parties have to approach the competent Civil Court for declaration of their right to the property. Aggrieved by the same, the respondents 6 and 7 filed a revision before the second respondent under Section 9 of the A.P. Rights in Land and Pattadar Passbooks Act, 1971. However, there are subsequent developments and filing of Civil Suits and Writ Petitions. Now, when an order was passed by the second respondent on 01.03.2017 disposing of the revision petition while remanding and by directing the Tahsildar, Manubolu to take necessary action in respect of regularization proceedings issued in May 2009 under Section 5A of the ROR Act, the present Writ Petition is filed.

Learned Senior Counsel for the petitioners submitted that the Joint Collector without applying his mind to the facts of the case and without giving reasons held that the regularization proceedings issued by the Tahsildar in May 2009 were not in accordance with law and remanded the matter to the Tahsildar for fresh enquiry.

The Joint Collector gave a finding that the petitioners are not entitled for regularization of their sale deeds as they are not small farmers. Since the competent authority enquired into the matter and gave some reasons and remanded the matter to the Tahsildar, Manubolu for taking necessary action in respect of the regularization of the lands purchased by the petitioners and the objections raised by the respondents 6 and 7, this Court is not inclined to entertain the present Writ Petition, but gives liberty to the petitioners to represent their case before the Tahsildar, Manubolu for consideration of their case for regularization of the lands purchased by them.

In view of the order of remand of the Joint Collector, SPS Nellore district, this Writ Petition is disposed of directing the Tahsildar, Manubolu to take further proceedings after giving appropriate notice to all the parties and pass orders in accordance with law within a period of three (3) months from the date of receipt of a copy of this order. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions pending in this Writ Petition, if any, shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 11.07.2017
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