

HON'BLE SRI JUSTICE S.V. BHATT

W.P. No.4437 OF 2013

ORDER:

The writ prayer reads as follows:

“...writ of mandamus declaring the inaction of the Respondents herein considering my representations dated: 06-11-2012, 18-12-2012 seeking to grant pattadar passbook for the land situated in Sy.No. 132 to an extent of 3 acres 40 cents situated at Badampudi village of Ungutur Mandal, West Godavari District and consequentially direct the respondent Nos. 1 & 2 herein to issue pattadar passbook as per the law to the petitioner herein...”

The 1st respondent filed counter affidavit and has stated thus on representations dated 06.11.2012 and 18.12.2012:

“Accordingly, the 1st respondent has issued endorsement to the petitioner in L.Dis.No.A.85/2013, dt.30.01.2013 that there is no possibility to grant patta and Pattadar Pass Book to the land in question and also which is objectionable as the land Ac.3-00 covered by R.S.No.132 is a Government Poramboke “Kankara Kotte Stalamu” as per the Resettlement Register (R.S.R.). But, the petitioner has rejected to receive this endorsement and hence, it was served on the same day in alternate methods as pasted on the wall of the petitioner's house before the witnesses village elders and a copy of the same is herewith enclosed for ready reference. The question of violation of statutory laws and violative of right to life and livelihood does not arise in the case as the petitioner is illegal occupation of the land.”

From the above reply, it is clear that the communication dated 30.01.2013 though was attempted to be served on the

petitioner, the petitioner declined to receive the same, compelling the 1st respondent to take recourse to alternate method of service and hence it is stated the representations are disposed of. Admittedly, the petitioner has not received the endorsement dated 30.01.2013 and this Court is not prepared to presume knowledge of endorsement dated 30.01.2013 which is served through alternate method.

The Assistant Government Pleader for Revenue has handed over endorsement dated 30.01.2013 to the counsel for petitioner.

The writ petition is closed as no further order is necessary. The petitioner is given liberty to work out the grievances if any pursuant to the endorsement dated 30.01.2013. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.



S.V.BHATT, J

Date:26.07.2017
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