

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.38962 of 2017

O R D E R:

Petitioner has filed this Writ Petition aggrieved by the proceedings dt.11.07.2017 of the 4th respondent.

2. Petitioner is an ex-serviceman. He was assigned an extent of Acres 5.00 guntas of land in survey No.1160 of Padaganjam village, Chinaganjam Mandal, Prakasam District on 15.03.2000. He then applied for issuance of pattadar pass book and title deed and for mutation in ROR record for the year 2002. On verifying the record, the then Mandal Revenue Officer, Chinaganjam issued a proceeding on 29.11.2002 certifying that the petitioner was granted patta and his name has to be mutated in the ROR and pattadar pass book and title deeds should be given. Accordingly, pattadar pass book and title deeds were issued to the petitioner.

3. However, subsequently petitioner intended his name also be recorded in the web land record and made an application for the said purpose to 3rd respondent, and on the said application, the 3rd respondent endorsed that an enquiry ought to be done by the 4th respondent. The 4th respondent then passed the impugned order on 11.07.2017 admitting that the petitioner was granted DKT patta under ex-serviceman quota in survey No.1160 for an extent of Acres 5.00 guntas of land and he was issued pattadar pass book

and title deed also, but his name was not entered in the DK register.

4. This finding appears to be incorrect in view of the proceeding dt.29.11.2002 of the then Mandal Revenue Officer, who specifically stated that the petitioner was issued patta in proceedings R.Dis.No.172/2000 dt.15.03.2000 and that the same was entered in the record also.

5. How such record, which existed in 2002, vanished in 2017 is not explained by the 4th respondent. Moreover, he also stated that the petitioner is in possession of certain land in survey No.613 and 614. No revenue record is produced or relied on in support of this plea. This is totally irrelevant to inclusion of petitioner's name in web land for survey No.1106. It is not the case of the 4th respondent that petitioner is not in possession of the land in survey No.1106 of an extent of Acres.5.00 guntas which was assigned to him.

6. Therefore, the impugned order of the 4th respondent is contrary to the order dt.29.11.2002 of the then Mandal Revenue Officer, Chinaganjam and appears to be not bonafide.

7. Accordingly, the Writ Petition is allowed; the order dt.11.07.2017 of the 4th respondent addressed to the 3rd respondent is set aside; and the 3rd respondent is directed to affect mutation of petitioner's name in the web land records

in respect of the subject land within a period of four (04) weeks from the date of receipt of a copy of the order. The 4th respondent is directed to pay costs of Rs.1,000/- to the petitioner.

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

M.S.RAMACHANDRA RAO, J

06th December, 2017.
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