

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.34911 OF 2017

DATED : 23.10.2017

Between :

Atluri Jayapushpa Kumar S/o.Late Gopala Krishna Murthy,
Aged about 63 yrs, Occu : Agriculture,
R/o.H.No.1-562, Hospital Road,
Mangalagiri, Guntur District & another.

.. Petitioners

And

The State of Andhra Pradesh,
Rep., by its Principal Secretary,
Revenue Department,
Secretariat, Velagapudi,
Guntur District & others.

... Respondents



This court made the following :

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ORDER :

Heard.

2. Petitioners claim that their father was assigned land in Sy.No.115 of Navuluru Village, Mangalagiri Mandal, Guntur District. After the demise of their father they have succeeded to the property and land to an extent of 312 Square yards has fallen to the share of first petitioner and land to an extent of 427.4 Square yards has fallen to the share of second petitioner. The two brothers intend to exchange the said extents of land by executing the gift settlement deed due to their personal needs and family obligations and therefore both of them have submitted a representation to the Mandal Revenue Officer, Mangalagiri on 21.09.2016 to delete the subject property as Government land. Alleging inaction on the said representation, this writ petition is filed.

3. Learned counsel for the petitioners submit that though the land was assigned to their father and such assignment was based on payment of market value, the assignment patta do not contain any clause prohibiting alienation of the property. Therefore, the Mandal Revenue Officer ought to have acted upon the representation and granted permission for deleting the property from the Government lands in the revenue records.

4. There is no doubt that representation was made seeking exclusion of the property from the classification as Government land to the Mandal Revenue Officer on 21.09.2016 but so far no decision is communicated.

5. Having regard to the same the Writ Petition is disposed of without expressing any opinion on merits, directing the Mandal Revenue Officer, Mangalagiri, to examine the claim of the petitioners vis-à-vis the Government policy, nature of assignment granted and whether such deletion is permissible and whether the Mandal Revenue Officer is competent to act upon the request on his own and communicate the decision to the petitioners by assigning due reasons in support of his decision, as expeditiously as possible, preferably within a period of eight (8) weeks from the date of receipt of copy of this order. It is needless to observe that it is open to the petitioners to work out their remedies, if they are aggrieved by any decision communicated to them. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

23rd October 2017
Rds

P.NAVEEN RAO,J

