

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON' BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

Writ Appeal No.1992 of 2017

JUDGMENT : (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the Learned Single Judge in W.P.No.33978 of 2017 dated 31.10.2017. The respondents herein filed the writ petition seeking a mandamus to declare the action of the appellants herein, in not considering their representations dated 20.08.2016 and 03.04.2017 to correct the names in the Online Web Portal with respect to the lands admeasuring Ac.2.26 cents and Acs.5.00 situated at Kopparthi Village, C.K.Dinne Mandal, YSR Kadapa District, as illegal and arbitrary.

The grievance of the respondent-writ petitioners is that their representations, for incorporating their names in the online revenue records, were not considered by the appellants. On the learned Government Pleader contending that the respondent-writ petitioners had to apply through Mee Seva for such relief, and representations in a physical form would not be entertained, the Learned Single Judge, while noting that no rule framed by any authority mandating applications for correction of revenue entries in the online web portal, through Mee-Seva, was brought to his notice, observed that insistence of the appellants (respondents in the writ petition) that, unless the respondent-writ petitioners apply only through Mee Seva, their request for correction of their names, in the online web portal, would not be entertained, could not be sustained.

The learned Government Pleader for Revenue would place reliance on G.O.Ms.No.3 dated 22.02.2012 to submit that the Director, Electronic Service Delivery has been authorised to notify the services, and their areas of jurisdiction under Mee Seva project; the statutory services, which were

delivered through Mee Seva, would not be delivered in parallel in the manual format; and all the Departments and officials should scrupulously follow the Mee Seva protocol.

This G.O has been issued by order and in the name of the Governor of Andhra Pradesh, and is referable to Article 162 of the Constitution of India. The question whether these executive instructions would govern the mode and manner of receipt of applications through Mee Seva, in the absence of any statutory rules in this regard, necessitates examination in the writ petition.

While Sri K.Ravinder Reddy, learned counsel for the respondent-writ petitioners, would submit that the respondent-writ petitioners would make an application through Mee Seva, and the appellants be directed to consider the same, the learned Government Pleader for Revenue would contend that these lands are assigned lands, and are prohibited from alienation under the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977; and, since the respondent-writ petitioners have purchased these assigned lands, their names cannot be included in the revenue records.

Sri K.Ravinder Reddy, learned counsel for the respondent-writ petitioners, would contend that these lands are not assigned lands; the respondent-writ petitioners had filed a suit seeking declaration of their title in O.S.No.185 of 2007; the suit was decreed holding that the subject land is patta land; the appeal preferred there against, by the Government, in A.S.No.38 of 2008 was also dismissed; the said order has attained finality; and it is, therefore, not open to the appellants to contend that these lands are assigned lands. The question whether these lands are patta lands, or are assigned lands, are again matters which necessitate examination in the Writ Petition, after the appellants (respondents in the writ petition) file their counter-affidavit.

We consider it appropriate, in such circumstances, to set aside the order under appeal, and restore the writ petition to file. The appellants

(respondents in the writ petition) shall file their counter-affidavit in the writ petition within two weeks from today. It is open to the respondent-writ petitioners to request the Learned Single Judge to take up the writ petition for admission any day after two weeks.

The Writ Appeal is, accordingly, disposed of. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(GUDISEVA SHYAM PRASAD, J)

27th December, 2017
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Date: 27.12.2017

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