

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.12687 of 2007

ORDER:

Heard Sri A.K.Kishore Reddy for petitioner and the learned Assistant Government Pleader (Revenue) for 2nd respondent.

The petitioner prays for Mandamus declaring the action of respondents in installing notice board describing the land in an extent of Ac.3-60 cents in Sy.No.278/1/1 of Ramanayya Peta Village, Kakinada Rural Mandal, East Godavari District, without recourse to law as arbitrary, illegal and amounts to violation of Article 300-A of the Constitution of India,.

The petitioner claims entitlement and possession to petition land through alleged patta issued by the then Pithapuram Maharaja on 16.04.1930. According to petitioner, the name of petitioner's father is entered in the revenue records and in fact, the petitioner, prior to him, the petitioner's father was in possession of the petition land. In view of the settled possession, alleged interference with the possession of petitioner by installing a notice board in the petition land is arbitrary, illegal and unconstitutional.

The 2nd respondent filed counter affidavit and the important circumstance, which needs reference, for the purpose of disposing of the writ petition, is that the petition land was donated to A.P. Bhoodan Yagna Board / 1st respondent and on the recommendation made by 1st respondent, the 2nd

respondent granted D-Form pattas in the year 1990. It is further stated that there is scramble for possession of the petition land by one P.Suryanarayana Murthy and since the land is not in possession of the assignee, the notice board has been installed. The 2nd respondent does not admit the documents relied on by petitioner.

The above referred circumstances show that the claim of petitioner and the denial of 2nd respondent needs enquiry by the 2nd respondent before the conclusion on any of the aspects referred either in the affidavit or recorded in the counter affidavit.

This Court, after perusing the annexures filed by petitioner, is of the view that the matter needs enquiry by 2nd respondent. There seems to be some efforts by villagers also to interfere with the possession of petitioner and therefore, pending enquiry, the property is required to be preserved.

Hence, the writ petition is disposed of as follows :-

(a) The petitioner is given liberty to represent to 2nd respondent by enclosing a copy of this order within three weeks from today.

(b) The 2nd respondent treating the representation of petitioner as objection filed by petitioner to other rival claimants, enquires into the nature of land, date of assignment, enjoyment by assignee, records a finding and communicates the decision.

(c) In the enquiry the 2nd respondent proposes to conduct in this behalf, the 2nd respondent puts on notice the assignees from Bhoodan Yagna Board or persons claiming through them.

(d) The parties are directed to maintain *status-quo* as regards possession and physical features of petitioner land for a period of three months from today.

(e) The enquiry, as directed by this Court, is completed as expeditiously as possible, preferably within eight weeks from the date of receipt of representation from petitioner.

(f) If the petitioner for any reason does not make representation as permitted by this Court, the status-quo order granted will expire with the completion of three months time from today.

The writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Dt: 08.03.2018
Prv