

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.10623 OF 2006

ORDER:

1. This writ petition is filed by the petitioners to issue a writ of mandamus declaring the show cause notice issued by the 1st respondent in C.C.L.A's Ref.No.VI/922/2003, dated 28.11.2005, as illegal and arbitrary, and to set aside the same.

2. Heard Sri P. Ganga Rami Reddy, learned Counsel for the petitioners and the learned Government Pleader for Revenue.

3. It is the case of the petitioners that the Special Deputy Tahsildar (Inams) Nellore granted ryotwari pattas in favour of one Parvathaneni Anasuyamma and 5 others under Section 4(2) of Inams Abolition Act, to an extent of Ac.5.00 cents to each grantee in S.Nos.51/4, 5, 57/3, 53/2, 54/5, 54/3, 54/4, 56/2 and 57/2 situated at Edulakandriga village vide proceedings dated 21.11.1983. The original grantees sold the above said property in the year 1996 to the vendors of the petitioners under registered sale deeds. On 4.6.2005, the petitioners purchased the land in question under registered sale deeds and that the Mandal Revenue Officer, Sydapuram issued pattadar pass books and title deeds in favour of the petitioners. While so, the 1st respondent issued show cause notices impugned to the original grantees for cancellation of ryotwari pattas. Hence, the petitioners filed this writ petition.

4. Learned Counsel for the petitioners submits that the ryotwari pattas were granted in the year 1983 and from the date of grant of pattas, the predecessors-in-title of the petitioners were in possession and enjoyment for more than 22 years and thereafter, several transactions took place and

that initiation of suo motu enquiry after lapse of 22 years at the instance of the 2nd respondent is not justified.

5. The learned Government Pleader contends that under Section 14-A of the A.P. (A.A.) Inams (Abolition & Conversion Into Ryotwari) Act, 1956, no time is prescribed to initiate suo motu enquiry to review the orders passed by the Special Deputy Tahsildar, and in exercise of such power, the Chief Commissioner of Land Administration, A.P. Hyderabad had issued the show cause notices to the original grantees viz., vendors of the petitioners' vendors. He further contends that the 1st respondent issued the show cause notices based upon the report of the 2nd respondent dated 29.10.2003, in which it was alleged that the ryotwari pattas were granted in favour of the vendors of the petitioners' vendors in a fraudulent manner and that if any such fraud is found to have been played as alleged by the 2nd respondent for obtaining the ryotwari pattas, it vitiates the proceedings dated 21.11.1983.

6. I have considered the rival submissions made by the parties. The petitioners claim that their vendors purchased the land from the persons, in whose favour ryotwari pattas were granted by the then Special Deputy Tahsildar (Inams) Nellore under Section 4(2) of Inams Abolition Act, vide proceedings dated 21.11.1983, and that the respondents herein issued show cause notices to the vendors of petitioners' vendors alleging that by fraudulent transaction, the vendors of petitioners' vendors got ryotwari pattas in respect of waste and poramboke lands. Whenever any fraud is alleged in grant of ryotwari pattas, it goes to the root of the case and vitiates the entire proceedings of grant of pattas, and in detecting the fraud considerable lapse of time might have occurred, the same cannot be taken as a shelter to cover up the fraud.

7. Considering the above facts and circumstances of the case, this Court is of the view that since the challenge in this writ petition is only show cause notice issued by the 1st respondent to the vendors of the petitioners' vendors, if the petitioners, their vendors and original grantees are able to demonstrate their case that ryotwari pattas were granted in favour of the original grantees in a rightful manner, by way of submitting explanation to the respondents concerned, and if the 1st respondent is directed to consider such explanation and pass appropriate orders after giving opportunity to all the parties, who have claim over the subject land, no prejudice would be caused to the petitioners.

8. Accordingly, the Writ Petition is disposed of with a direction to the petitioners, their vendors and the original grantees to submit a detailed explanation to the show cause notice dated 28.11.2005. On such explanation being submitted by them, the 1st respondent shall consider the same and pass appropriate orders after giving reasonable opportunity to all the parties, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Dated: 16th March, 2018.
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