

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.1800 OF 2018

ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for respondents.

It is the case of the petitioner that his father purchased the property of an extent of 3670.50 guntas of land through registered document on 25.01.1938 from its original owner. His father had two wives, namely, Lakshmamma and Narayanamma. The petitioner is the fifth son through his second wife. The property forms part of erstwhile Karvetinagaram Estate under the Estates Abolition Act. The father of the petitioner owns other properties of land and the Settlement Officer granted pattas in respect of the said properties. After family partition, the petitioner got an extent of Acs.23.70 cents and Acs.9.40 cents in Survey Nos.212 and 216 respectively and he is in possession of the same.

It appears that the father of the petitioner filed a claim petition before the then Settlement Officer, Nellore for grant of ryotwari patta for an extent of Acs.16.00 in Survey No.212 and Acs.6.00 in Survey No.216 of Kumara Venkata Perumalla Raja Puram of Puttur Taluq and the claim was rejected by order dated 30.01.1971. Against the same, R.P.No.80 of 1971 was filed before the Director of Settlements, Survey and Land Records, and the Director of Settlements set aside the said order and remanded the case to the Settlement Officer, Nellore for enquiry and disposal on merits after hearing the parties on 29.12.1973. Thereafter, the Settlement Officer rejected the claim of the petitioners holding that they were not in possession and enjoyment of the claimed lands. Again, it was challenged in R.P.No.227 of 1974 before the Director of Settlements and the Director of Settlements again remanded on 17.08.1976. After transfer of the Office of the Settlement Officer, Nellore to the Joint Collector-cum-Settlement Officer, Chittoor on 09.11.1990, the case was not taken up. However, when there was

interference, the petitioner filed W.P.No.38656 of 2016 and this Court disposed of the said writ petition on 14.11.2016 directing the Settlement Officer to pass orders in accordance with law within a period of three months. Accordingly, the third respondent issued notice to the petitioner and rejected the claim by order dated 21.10.2017 holding that the legal heir of the deceased claim petitioner has no possession in the land in the post abolition period and his document dated 25.01.1938 does not contain paimash numbers of his claimed lands. Against the said order, an Appeal was preferred to the Director of Settlements on 13.12.2017 along with an application seeking stay. The present writ petition is filed alleging interference with the land in possession of the petitioner while the said Appeal is pending.

Since the regular statutory appeal is pending before the Director of Settlements, who is not made a party to the writ petition, this Court is not inclined to entertain the present writ petition. Liberty is given to the petitioner to approach the Director of Settlements for disposal of the stay application filed by him and the Director of Settlements is directed to dispose of the stay application within a period of thirty days from the date of receipt of a copy of this order.

This writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

31.01.2018

Note:

Office is directed to communicate a copy of this order to the Director of Settlements, Chittoor.

(B/O)

pln