

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.3541 of 2018

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration and Revenue respectively for respondent Nos.1 and 4 and Sri D. Ramesh, learned Standing Counsel, offering to appear with written instructions for respondent Nos.2 and 3 and perused the prayer in the writ petition with supporting affidavit and other material on record.

2. The prayer in the writ petition reads as follows:

“.....to issue a Writ of Mandamus or any other appropriate Writ, order or direction declaring the action of the Respondents in not releasing the benefits due to him in respect of his balance extent of land of Ac.0.27 cts.in D.No.45, situate in Lingayapalem Village, Thulluru Mandal, Guntur District as illegal, arbitrary etc., and grant such other just and consequential relief or reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

3. The grievance of the petitioner is that he got Ac.1.11 cents of land in Sy.No.45 covered by registered document No.1881 of 1936, dated 30.07.1936, which is standing in the name of his grand father by name M. Rama Swamy and there is also endorsement of the Tahasildar, Thullur, dated 07.11.2013, covered by FLR.No.259 of 2012 in this regard and the respondents are considering to the extent of only Ac.0.84 cents as if the petitioner got only right over Ac.0.84 cents irrespective of his right is over Ac.1.11 cents. The written instructions submission of the learned Standing Counsel is the total extent as per the Re-Settlement Register of Survey No.45 is Ac.8.14 cents and the petitioner's consent application in Form 9.3 is proposing

to surrender Ac.1.11 cents to the Land Pooling Scheme referring to the document, dated 12.08.1936, standing in the name of his grand father. However, the Tahasildar, Thullur, issued pattadar pass book only for an extent of Ac.0.84 cents in the year 2015 and it is pursuant to which they considered only for Ac.0.84 cents and remedy of the petitioner is if at all to apply for rectification of the pattadar pass book by filing appeal before the Revenue Divisional Officer, if any, though RDO is not party, the District Collector is impleaded as respondent No.4 besides the CRDA authorities as respondent Nos.2 and 3.

4. Having regard to the above, the writ petition is disposed of directing the authorities to consider the extent of the petitioner pursuant to the registered sale deed and permanent revenue record and re-fix the extent and the District Collector-respondent No.4 is directed, by virtue of this order, to the RDO and Tahasildar, Thullur, to rectify the said pattadar passbook entry for Ac.0.84 cents to Ac.1.11 cents subject to the availment of land pursuant to the document, if any, and pursuant to which, respondent Nos.2 and 3 shall consider the case of the petitioner for his entitlement to the compensation for the acquisition of the extent not as Ac.0.84 cents, but as being arrived with reference to the document and permanent record.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

Dr. B. SIVA SANKARA RAO, J

6th February 2018
mar