

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.21636 of 2006

ORDER:

It is the case of the petitioner that he is the owner of agricultural land admeasuring Acs.5.30 guntas in Survey No.943 situated at Ashwaraopet Village and Mandal, Khammam District, having purchased the same from one Smt. Kandimalla Nirmala Devi. His grievance is that for mutation of his name in the revenue records, he approached the respondent – Mandal Revenue Officer, Ashwaraopet Mandal, Palvoncha Division, Khammam District, by way of filing application, dated 15.09.2006 under Section 4 of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act'), but even after long lapse of time, the same was not considered. In the circumstances, he filed the present Writ Petition seeking to issue a direction to the respondent to dispose of his application, dated 15.09.2006, in accordance with law.

The respondent filed a counter-affidavit stating that pursuant to the application filed by the petitioner on 15.09.2006, he registered a case in Rc.No.B/3093/2006 and that on examination of the pahanies from 1994-95 pertaining to the land in question, he found that the pattadar and possessor of the land

in question is one Damera Neerada, Daughter of Sri D.M.K. Mahipal and accordingly, issued a notice to the said Neerada to appear before him on 23.10.2006 along with documentary evidence and the said individual appeared on the said date and asserted that she acquired the land admeasuring Acs.5.39 guntas in Survey No.943 from her father, Sri D.M.K. Mahipal, who purchased the said land through agreement, dated 21.12.1968, from one Kandimalla Nirmala Devi, who was the pattadar. The answering respondent further stated that in terms of Rule 17(3) of the Andhra Pradesh Rights in Land and Pattadar Pass Books Rules, 1989, the case registered is required to be disposed of within a period of 90 days from the date of the application. He also stated that the case was registered on 10.10.2006 but within seven days i.e., on 17.10.2006, the petitioner approached this Court by way of filing the present Writ Petition, which is premature.

Heard learned counsel for the petitioner.

Learned Government Pleader for Revenue appearing for the respondent, on instructions, submits that even as on date, no orders are passed by the respondent on the application alleged to have been filed by the petitioner on the ground that the Writ Petition is pending.

It is to be noted that though the application of the petitioner is dated 15.09.2006, the same is not yet disposed of by the respondent and thereby, he failed to discharge the duty.

In those circumstances, the Writ Petition is disposed with the direction to the respondent to complete the enquiry and pass orders on the petitioner's application, dated 15.09.2006, in accordance with law, within a period of three months from the date of receipt of a copy of this order.

Miscellaneous Petitions, if any pending shall stand disposed of. There shall be no order as to costs.

13th APRIL, 2018.

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CHALLA KODANDA RAM, J

