

THE HONOURABLE SRI JUSTICE T. AMARNATH GOUD

WRIT PETITION No.4541 of 2006

ORDER:

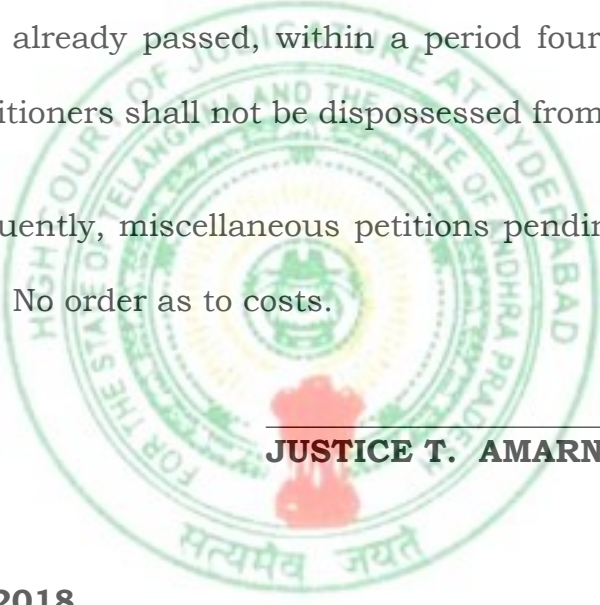
This writ petition is filed to declare the inaction on the part of the respondents in not assigning the land Ac.0.25 Cents in T.S.No.1576 of Narasaraopet, in favour of the petitioners as illegal and arbitrary and consequently to direct the respondents to assign the land Ac. 0-25 cents in T.S.No.1576 of Narasaraopet in favour of the petitioners.

It is the case of the petitioners that they are in possession of the land Ac.0.50 cents situated in T.S.No.1576 of Narasaraopet for the past five decades. An extent in Ac. 0.25 cents out of the above land was encroached unauthorisedly by third parties and they are in possession of 25 cents. The father of the petitioners filed an application before the respondent officials seeking to grant D Form Patta to him in respect of Ac.0-50 Cents of the land in T.S.No.1576 of Narasaraopet. The file has been processed through the RDO, the Municipal Council and District Collector, Guntur and at all levels favourable endorsements were made infavour of the father of the petitioners, but however, final orders were not passed. At one point of time, the petitioners also filed O.S.No.62 of 1990 on the file of II Additional Munsif Magistrate, Narasaraopet seeking injunction against the interference of the Narasaraopet Municipality. However, that is not relevant to the facts of the case. Admittedly, the petitioners are in possession and their application is pending with the respondents for granting of patta in their favour.

The petitioners placed reliance on the reported decision in the case of *G.Kanthayya v. The District Collector, Wanragnal*¹ wherein it was held that when applications for assignments are pending, it is the duty of the authorities to consider them and to accord assignment and that the petitioners who are in possession of the land cannot be dispossessed.

In view of the same, the writ petition is disposed of directing the respondents to consider the request of the petitioners for granting of patta in accordance with the law and pass appropriate orders, if not already passed, within a period four weeks and till then, the petitioners shall not be dispossessed from the land.

Consequently, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.



JUSTICE T. AMARNATH GOUD

Date: 16.02.2018
slk

¹ 1989(3) ALT 129