

THE HON'BLE SRI JUSTICE S.V.BHATT

W.P. No.13627 of 2017

ORDER:

Petitioners pray for mandamus declaring the action of respondent No.3/Tahsildar SRSR Nellore District in threatening to dispossess the petitioners from possession and enjoyment of the land measuring Ac.7-00 in Sy.No.1 (part) and Ac.1-95 cents in Sy.No.65-1, and also Ac.3-00 in Sy.No.1 (part) at Pangili Village, Rapur Mandal, SPSR Nellore District without recourse to law, as illegal, arbitrary and unconstitutional.

The Assistant Government Pleader on instructions submits that the petitioners have mixed up Sy.No.65-1 which is a patta land with Sy.No.1 and have filed the present writ petition. Survey No.1 is classified as Adavi which is in the administrative control of Forest Department. From the instructions, he further submits that the Revenue Department could not have granted pattadar passbooks and title deeds. Therefore, the writ petition is misconceived and liable to be dismissed.

Mr.Madira Venkateswarlu submits that pattadar passbooks issued was preceded by the respondents following formalities and genuineness, therefore pattas issued after following formalities should not be doubted by the Court.

The issue for consideration is whether Sy.No.1 is Forest land and firstly whether 3rd respondent could have issued pattadar pass books/title deeds and secondly whether

interference with the alleged possession is correct or not. As the dispute is between the Revenue department and Forest Department and the petitioners *prima facie* rely on pattadar pass books allegedly issued by 3rd respondent, this Court considers it appropriate to meet the ends of justice to dispose of the writ petition by this order:

The petitioners are given liberty to represent to respondent Nos. 2 and 3 by enclosing a copy of this order and also self attested copies and pattadar passbooks/title deeds on which they are relying upon for enquiry into formalities followed by Revenue Department while issuing the documents to the petitioner within four (04) weeks from the date of receipt of copy of this order. The 2nd and 3rd respondents after receiving the representation undertake detailed enquiry into all aspects including so called formalities followed by the department for issuing pattadar pass books for Forest land. The said exercise is directed to be completed within eight (08) weeks thereafter and submit a report to this Court. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Dt: 18.04.2018

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