

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.23023 of 2004

ORDER:

Heard learned counsel for petitioners and the learned Assistant Government Pleader for Revenue.

The petitioners pray for Mandamus declaring the action of respondents in trying to interfere with possession of petitioners pending a petition filed under Rule 16(7) of A.P.Land Reforms Rules, as illegal and without jurisdiction. The petitioners pray for a further direction restraining the respondents from interfering with the possession of petitioners of land in R.No.539/3 measuring Ac.2-76 gts. of Relangi Village, West Godavari District.

From the writ affidavit, it is clear that the petitioners assert to have made an application under Rule 16(7) of the A.P. Land Reforms Rules. Pending consideration of the objections raised by petitioners, the respondents are trying to interfere with the petitioners' possession of land in R.No.539/3 measuring Ac.2-76 gts. of Relangi Village, West Godavari District. Hence, the writ petition.

The Revenue Divisional Officer, Kovvur-1st respondent filed counter affidavit dated 02.03.2005 and served on the learned counsel for petitioners around that time. The counter affidavit of 1st respondent on material circumstances pleaded by petitioners, namely, the alleged possession of petitioners family from 1950

onwards, the entitlement of petitioners family to continue to retain possession etc., replied as follows :-

“Insofar as the claim of petitioners is concerned, the petitioners' father Sri Oduri Bhushanam filed an application in 1982 before the Revenue Divisional Officer, Kovvur claiming tenancy rights over the lands including the land in Sy.No.539/3. the Land Reforms Tribunal, Kovvur initially returned the petition. However, on appeal the same was allowed with a direction to the Revenue Divisional Officer, Kovvur to decide the case on merit. Against the said orders, State filed C.R.P.No.2113/83 before the Hon'ble High Court and the Hon'ble High Court allowed the revision on 7.6.1988 and set aside the orders in Appeal. Thus the claim of the petitioners' father has been rejected and became final. Strangely, the petitioners claiming tenancy right over the land in Sy.No.539/3 through their father yet again filed the present claim petition in the year 1995. Though several opportunities were given, the petitioners could not establish their claim as cultivated tenants. Hence, after due notices as the petitioners did not turn up and after considering the statement of the 1st petitioner Sri Oduri Mentayya filed on 22.11.2004 on behalf of other petitioners, the claim petition was rejected on 13-12-2004. It is also observed by me that the claim of the father of the petitioners was already rejected in the year, 1988 itself finally. The names of the petitioners or their father were never recorded in the Revenue records and Adangal copies maintained by the Department. The petitioners have no right or possession over the land in sy.No.539/3 of Pelangi Village and the whole attempt is only to stall the surrender proceedings. The copy of the order was sent through the Revenue Inspector for service to the petitioners and as the petitioners are not available, the same is affixed to the door of the petitioners. In addition to the service, the second respondent is advised to send the proceedings by registered post with acknowledgment due and accordingly the same is sent by registered post on 1-3-2005 to the petitioners. In view of the above facts as the claim of the

petitioners as cultivated tenants is false and as they were never in possession of the land in Sy.No.539/ 3, it is prayed that this Hon'ble Court may be pleased to vacate the status-quo orders in W.P.M.P.No.30201/ 04 in W.P.No.23023/ 2004, dt.27-12-2004 and dismiss the Writ Petition with costs."

From the stand taken by 1st respondent, it is clear that the claim of petitioners' father was rejected as early as 1988 and also the claim of petitioners on 13.12.2004. The claim now referred by the petitioners is presumably considered and decided by the authority.

Having regard to the above circumstances, the limited grievance namely that when the claim is pending, the respondents are interfering with the possession of petitioners is incorrect.

The writ petition fails and is accordingly dismissed. No order as to costs.

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

S. V. BHATT, J

Dt: 07.02.2018
Prv

HON'BLE SRI JUSTICE S.V.BHATT



WRIT PETITION No.23023 of 2004

07-02-2018

Prv

