

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

W.P.NO.21967 OF 2007

ORDER:

This writ petition is filed to direct the respondents to issue the patta in respect of land in an extent of Ac.0.60 cents in Sy.No.422 of Ijjavaram Village and Ac.0.20 cents in Sy.No.40 of Patha Naupada Village in Santhabommali Mandal and Tekkali Mandal in Srikakulam District respectively and consequently direct the respondents 1 and 2 to issue pattadar pass books forthwith.

2. It is the case of the petitioner that he was the tenant of the agricultural lands of one Hanumanthu Ramannaidu up to the year 1968 and thereafter, he purchased the land admeasuring Ac.0.60 cents in Sy.No.422 and Ac.0.20 cents in Sy.No.40, situated at Patha Naupada Village, Srikakulam District under an agreement of sale. The two pieces of land are adjacent to each other and falling under two different Mandals i.e., Santhabommali and Tekkali respectively. Since then, the petitioner is in uninterrupted possession and doing agricultural operations. That apart there was a civil dispute with one Murala Appala Swamy in A.S.No.56 of 1981 on the file of Principal Subordinate Judge, Srikakulam and S.A.No.491 of 1982 was filed and both the cases ended in favour of the petitioner. Further, the revision C.M.P.No.3086 of 1984 filed by Murala Appala Swamy was dismissed on 30-11-1984.

3. On the other hand, the petitioner filed W.P.No.19646 of 2004, and the said writ petition was disposed of on 27-10-2004 and he also filed W.P.No.4980 of 2007 and the same was disposed of on

12-4-2007 against the in action of the revenue authorities for not issuing pattadar pass books in favour of the petitioner.

4. Heard.

5. This writ petition has been filed seeking a direction to the respondents to issue pattas in respect of the subject land and to issue pattadar pass books, the Mandal Revenue Officer rejected the claim of the petitioner in Rc.No.163/2005 dated 15-12-2005 and against the said order, the petitioner filed W.P.No.4980 of 2007 and the same was disposed of by order dated 12-4-2007 and in pursuance of the said order, the petitioner has preferred an appeal before the Revenue Divisional Officer, Tekkali and the same is pending. Under Rule 22-A (4) of A.P. Rights in Land and Pattadar Pass Books Rules 1989, when an appeal filed against the order of the Mandal Revenue Officer, orders have to be passed within a period of six months.

6. Since the appeal is pending before the Revenue Divisional Officer, parallel proceedings cannot be initiated and no direction can be issued under Article 226 of the Constitution of India. The third respondent District Collector, Srikakulam shall look into the matter and issue necessary instructions to the Revenue Divisional Officer, Tekkali if the appeal is pending before him.

7. With the above observation, the writ petition is disposed of accordingly. No order as to costs. As a sequel, the miscellaneous petitions pending if any shall stand closed.

T.AMARNATH GOUD,J

Date: 06-07-2018
Shr