

THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

Writ Petition No.3571 of 2006

Order:

This Writ Petition is filed to declare the proceedings No.181/2001, dated 24.06.2005, issued by the Mandal Revenue Officer, Mummidivaram Mandal, East Godavari District, as illegal and arbitrary and contrary to the orders passed by this Court in W.P.No.8104 of 2005, dated 01.06.2005, and a consequential direction was sought to correct the entries in the Adangals in respect of the land to an extent of Ac.3-71 cents, situated in Survey Nos.37/3, 37/4, 37/6 and 45/1 of Kamini village, Mummidivaram Mandal, East Godavari District.

The brief facts of the case, which are relevant for the purpose of disposal of this Writ Petition, are that the petitioner is the owner of the land to an extent of Ac.3-71 cents, situated in Survey Nos.37/3, 37/4, 37/6 and 45/1 of Kamini village, Mummidivaram Mandal, East Godavari District; it was assigned to the petitioner by the Bhoodan Board in the year 1978 as he was a landless poor person; the respondents 3 and 4 created some false Adangals, wherein the names of the respondents 3 and 4 were mentioned in Column No.13 which is meant for possession; the VAO did not enquire before issuing such Adangals; taking advantage of those entries, the respondents 3 and 4 filed ATC No.10 of 2001 before the Tenancy Court-cum-Junior Civil Judge, Mummidivaram, and obtained an order of injunction. Challenging the said orders, the petitioner filed ATA No.16 of 2002 before the District Court, East Godavari District; the said ATA was allowed by judgment dated 18.09.2002; challenging the said judgment passed in ATA No.16 of 2002, the respondents filed CRP No.5280 of 2002 and the said CRP was disposed of directing the trial

Court to dispose of the ATC as expeditiously as possible; the petitioner is making representations to the Mandal Revenue Officer since 2002 for correction of the disputed entries in the Adangals; as no action was taken by the Mandal Revenue Officer, the petitioner filed W.P.No.8104 of 2005 and the said Writ Petition was disposed of on 13.04.2005 directing the petitioner to make an appropriate application; the petitioner submitted an application to the Mandal Revenue Officer on 31.05.2005 by enclosing the copy of the order passed in W.P.No.8104 of 2005; the Mandal Revenue Officer issued the impugned proceedings dated 24.06.2005 stating that further action would be taken after the judgment is delivered in ATC No.10 of 2001. Challenging the same, the petitioner filed the present Writ Petition.

Subsequent to filing of the Writ Petition the sole petitioner died, hence his LRs were brought on record as petitioners 2 to 4.

A counter affidavit has been filed by the Tahsildar stating that the subject land was assigned to the writ petitioner by Bhoodan Board in the year 1978; since the petitioner acquired the land by misrepresenting that he was a landless poor person, the Bhoodan Board cancelled the said assignment vide proceedings dated 22.01.2007; the petitioner previously filed W.P.No.148 of 2002 for the same relief and he suppressed the said fact and filed the present Writ Petition, hence the petitioner cannot seek for correction of Adangals.

Heard learned counsel for the petitioners, learned Assistant Government Pleader for the respondents 1 and 2 and learned counsel for the unofficial respondents 3 and 4.

Learned counsel for the unofficial respondents submits that as the assignment granted by the Bhoodan Board itself was cancelled in the year

2007, the petitioners cannot seek rectification of the Adangals. On the other hand, learned counsel for the petitioners submits that against the cancellation of assignment by the Bhoodan Board, a Writ Appeal is pending before this Court. However, both the learned counsel submits that the ATC and ATA were already disposed of and that against the orders passed in ATA, CRP is pending before this Court. At this stage, learned counsel for the petitioners fairly submitted that after disposal of the CRP pending before this Court, he would make appropriate application before the competent authority for correction of entries in the Adangals.

In view of the said submission made by the learned counsel for the petitioners, the Writ Petition is disposed of giving liberty to the petitioners to make appropriate application before the competent authority for correction of entries in the Adangals after disposal of the CRP pending before this Court. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

KONGARA VIJAYA LAKSHMI, J.

Date: 24.07.2018
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