

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.24809 OF 2006

ORDER:

Heard Mr.V.R.Reddy Kovvuri, Counsel for the Petitioner and the Assistant Government Pleader for the Respondents.

The Petitioner alleges that on 22.05.1985 the respondents assigned the land to an extent of Ac.4.50 Cents in Sy.No.660/2 of Varikunta Village, Attlur Mandal, Kadapa District. The Petitioner alleges to be in actual physical possession of the subject matter of the writ petition. Either the provocation or cause of action for filing the writ petition is the threatened action of the respondents in proposing to assign the subject matter of the writ petition to third parties as illegal, arbitrary and unconstitutional.

This Court, on 01.12.2006 directed the parties to maintain *status quo*.

The respondents filed counter affidavit disputing the genuineness of assignment dated 22.05.1985 as well as the possession of the petitioner on the subject matter.

Mr.V.R.Reddy Kovvuri, counsel for the petitioner, places all the original documents filed as annexures in the writ petition and contends that the genuineness of assignment is to be appreciated, not from the stand taken in the counter affidavit, but by appreciating the continuation and uninterrupted possession of the subject matter of the writ petition, the verification of Adangal and 10-1 accounts and after recording statement of the petitioner. He therefore requests the Court to give liberty to the petitioner to file application for enquiry into the assignment of the subject matter

disputed by the third respondent, affords opportunity to the petitioner and pass orders.

This Court, after perusing the originals, is of the view that to ensure fairness in action, particularly, before a finding on the genuineness of the possession relied on by the petitioner, to meet the ends of justice, dispose of the writ petition by this order.

The *status quo* order dated 01.12.2006 which is extended on 18.12.2006 is directed to be maintained for a period of four months from today. The petitioner is given liberty to represent to the Revenue Divisional Officer on the grievance canvassed in the present writ petition, including the genuineness of patta the writ petition is asserting, by enclosing the copy of this order within four weeks from today.

The second respondent, on receipt of such representation from the petitioner, calls for the record of subject matter of the writ petition, if necessary, directs enquiry of ryots in the neighbouring survey numbers, affords opportunity to the petitioner and pass orders as are deemed fit and proper. The said exercise is directed to be completed within four months from today.

Accordingly, the writ petition is disposed of.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.

Dt:26.02.2018
BV

S. V. BHATT, J