

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION NO.221 OF 2016

ORDER:

This writ petition is filed by the petitioner under Article 226 of the Constitution of India, challenging the proceedings of the third respondent in proceeding No.A2/1578/2015 dated 07.08.2015 and consequential memo issued by the fourth respondent vide memo No.B/156/2014 dated 07.08.2015 as arbitrary, illegal, void ab-initio besides violative of Article 300-A of the constitution of India and violative of provisions of A.P. Rights in Land and Pattadar Passbooks Act.

It is the case that, the father of the petitioner namely late C.V. Govinda Rao initially purchased Ac.8-14 guntas in Sy.No.200/4/2 situated at Keesara Village and Mandal, Ranga Reddy District from the original pattedars vide registered sale deed dated 20.05.1981 vide document no.1309/1981 and his name was recorded in the revenue records as pattadar and possessor and he was also issued pattadar passbook 156714 and title deed 50237 vide patta No.80. Further, after demise of C.V. Govinda Rao, the petitioner herein approached 4th respondent for grant of succession and issuance of pattadar passbooks and title deeds. After due enquiry, the petitioner was recognized as successor of dead C.V. Govinda Rao in respect of the subject land i.e. Ac.8-14 gts in Sy.No.200/4/2 at Keesara Village vide proceedings No.B/156/2014 dated 30.05.2014 and the name of the petitioner has been mutated in the revenue records and pattadar passbooks and title deeds were also issued by the 3rd & 4th respondents vide patta No.1840. While the matter stood thus, some of the villagers

of Keesara started interfering with the possession and enjoyment of the above subject land and also instigated the respondents 2 to 4 herein, the petitioner filed O.S.No.327 of 2015 on the file of the XVI Additional District Judge at Ranga Reddy against the respondents and against the Assistant Commissioner of Endowments and Villagers of Keesara seeking declaration of title in respect of the land in Ac.8-14 gts in Sy.No.200/4/2 at Keesara Village and the petitioner has also filed I.A.No.197 of 2015 in O.S.No.327 of 2015 seeking temporary injunction restraining the respondents from interfering with the peaceful possession and enjoyment of the property.

Learned counsel for the petitioner mainly contended that, when O.S.No.327 of 2015 is pending and issuing memo No.B/156/2014 dated 07.08.2015 without notice to this petitioner is illegal.

Learned Government Pleader for Revenue (A.P) did not appear and represent the matter.

As seen from order passed which is impugned in this writ petition, on receipt of representation from the villagers, report was sought for from the Tahsildar by the Special Grade Deputy Collector & Revenue Divisional Officer, Malkajgiri Division, Ranga Reddy on 07.08.2015. Thereafter, the Tahsildar vide proceedings No.B/156/2014 dated 30.05.2014 stated that, the petitioner herein was recognized as successor in respect of said extent of Ac.8-14 gts in Sy.No.200/4/2 at Keesara Village and accordingly, ordered to enter in the relevant record by carrying out necessary amendment. The Special Grade Deputy Collector & Revenue Divisional Officer, Malkajgiri Division, Ranga Reddy vide

proceedings No.A2/1578/2015 dated 07.08.2015 stated that, as the land is not being used for agricultural purpose by the petitioner, the PPBs & TDs issued by the then Tahsildar, Keesara vide Khata No.1820 with respect to lands in Sy.No.200/4/2 in Extent of Ac.8-14 gts of Keesara Village are cancelled.

From the order passed by the Special Grade Deputy Collector & Revenue Divisional Officer, Malkajgiri Division, Ranga Reddy on 07.08.2015 is clear that, on receipt of representation from the villagers on 20.07.2015, passed the impugned order. But, without conducting an enquiry before passing an order or without issuing any notice to the petitioner, is illegal and violative of principles of natural justice. The impugned order was passed without issuing notice and without affording any opportunity to the petitioner. Hence, the proceedings of the third respondent in proceeding No.A2/1578/2015 dated 07.08.2015 and consequential memo issued by the fourth respondent vide memo No.B/156/2014 dated 07.08.2015 are hereby set-aside, directing the respondents 1 to 4 to pass appropriate orders, in accordance with law, within two months from the date of receipt of copy of the order, after issuing notice and affording reasonable opportunity to the petitioner.

With the above direction, the writ petition is disposed of.

Consequently, miscellaneous applications pending if any, shall stand closed. No costs.

JUSTICE M. SATYANARAYANA MURTHY

Date:16.04.2018

Note: copy by 23.04.2018
b/o
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