HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.14400 OF 2005

ORDER

This writ petition is filed seeking to issue a writ of Mandamus declaring the action of the 3rd respondent in issuing notice in Rc.No.1619/05 AP, dated 28.6.2005 as arbitrary, illegal and without jurisdiction, and consequently, to set aside the same.

Heard Sri A.Veeraswamy, learned counsel appearing for the petitioner and learned Government Pleader for Revenue appearing for respondents 1 to 4, and Sri Ch.Dhanamjaya appearing for the 5th respondent.

The petitioner had died and his LRs have been brought on record on 15.12.2017.

It was the case of the deceased petitioner that he was absolute owner and possessor of land to an extent of Ac.0.22 cents in Sy.No.65/3A of Gorantla Village, Guntur District, which was also abutting his other lands to an extent of Ac.0.98 cents out of Ac.2.90 cents in Sy.No.66A. The said property was the ancestral property, and part of the same was used for road widening. When the respondents were trying to encroach upon his land, he has filed O.S.No.297 of 2000 on the file of

the Senior Civil Judge, Guntur, for declaration of his title and for consequential injunction.

It has been brought to the notice of this Court by the counsel for the contesting respondents that the said suit was dismissed on 14.3.2013.

The 3rd respondent had issued a notice on 28.6.2005 to the deceased petitioner stating that the Government opined that the pattadar pass book issued in favour of the deceased petitioner was by mistake, and directed him to attend the enquiry on 30.6.2005. Challenging the said notice, the present writ petition has been filed.

It was apprehended by the deceased petitioner that the matter would be decided without affording any opportunity which necessitated him to file the present writ petition.

The revenue records are still in the name of the original deceased writ petitioner and if the revenue authorities are intending to cancel the original pattadar pass book issued in favour of original deceased writ petitioner, the same should be done after affording opportunity to all the contesting parties including the LRs of the original deceased writ petitioner and other stake holders, if any.

Therefore, the writ petition is disposed of directing the 3rd respondent to adjudicate the issue as to whether the

original deceased petitioner was granted the original pattas or not after giving notice to the legal heirs of the deceased original petitioner and other stake holders, who are claming rights on his behalf, after affording opportunity to all of them. It is needless to say that the persons who have interest in the property are also at liberty to approach the Revenue Divisional Officer for their claims in the property. The Revenue Divisional Officer shall pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order, and the decision that would be taken shall be communicated to all the persons. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

2nd February, 2018
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