

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.14315 OF 2008

ORDER

This writ petition is filed seeking to issue Writ of Certiorari calling for the records relating to the order dated 23.06.2008 passed by the 1st respondent against the order dated 26.02.2007 passed by the 2nd respondent, confirming the order dated 19.09.2006 passed by the 3rd respondent as arbitrary, illegal and contrary to the provisions of the A.P. Rights in Land and Pattadar Pass Books Act, 1971 and various other reliefs.

Heard Sri V.R.Reddy Kovvuri, learned counsel appearing for the petitioner and learned Government Pleader for Assignment appearing for the respondents.

It is the case of the petitioner that he is the absolute owner and possessor of the land in an extent of Ac.1.45 cents in D.No.316/B2 of Gudur Village, Kadapa Mandal and District. He acquired the said property under registered partition deed dated 31.07.1993 executed between himself, his brother and his father. The land in question was acquired by his father from its owner Yelisetty Subbarayulu Chetty under registered sale deed dated 25.05.1989 for valid consideration of

Rs.25,500/-. The said Yelisetty Subbarayulu Chetty acquired the same from his grand father Mamidi Chenchiah under a registered Will dated 6.6.1948. Thus, the petitioner and his predecessors-in-title have been enjoying the subject land since 1945 by paying necessary taxes to the Revenue Department. While the matter stood thus, when the respondents were trying to acquire the said land without following the due procedure under the Land Acquisition Act, the petitioner had filed W.P.No.10411 of 2006. This Court *vide* order dated 13.05.2006 granted interim order to the effect that the respondents shall be entitled to take possession of the subject land only after following due procedure as prescribed by law. During pendency of the writ petition, the petitioner preferred revision, which was dismissed and the land was resumed by the respondents. Challenging the same, the present writ petition is filed.

Learned counsel appearing for the petitioner contends that when the respondents were trying to dispossess the petitioner from the land in question forcibly, the petitioner filed O.S.No.243 of 2006, which was decreed in favour of the petitioner, *vide* order dated 2.3.2007 whereunder permanent injunction was granted and title was also declared in his favour.

Learned Government Pleader appearing for the respondents submits that the respondents had not initiated any proceedings to acquire the land of the petitioner under the land acquisition proceedings and the Senior Civil Judge, Kadapa, *vide* judgment dated 2.3.2007 declared the right, title and interest of the petitioner over the property in question.

In view of the same, the cause in the writ petition does not survive for adjudication and it has become infructuous.

Accordingly, the Writ Petition is dismissed as infructuous.

No costs.

Miscellaneous petitions, if any pending shall stand closed.



JUSTICE ABHINAND KUMAR SHAVILI

9th February, 2018

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