

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.31180 OF 2013

ORDER:

None appears for the petitioner.

This writ petition is filed challenging the action of the respondents in not allotting the land of an extent of Acs.20.00 cents situated in Survey No.19/4 as per the registered document dated 25.09.1971.

The case of the petitioner is that the said land was purchased under a registered document dated 25.09.1971 and when she made an application for issuance of pattadar pass books and title deeds, the third respondent directed the fourth respondent for conducting enquiry. The fourth respondent submitted a report stating that the said land belongs to the petitioner's vendor's ancestors. Thereafter, the fourth respondent issued pattadar pass books and title deeds in favour of the petitioner for an extent of Acs.15.00 cents only, but not for Acs.20.00 cents. Survey No.19 originally consists of an extent of Acs.68.23 cents and it belongs to the family of the vendor of the petitioner. Now the present writ petition is filed for demarcating the said Acs.20.00 of land and the petitioner states that an application was filed for the said purpose. No such application is found in the papers filed along with the writ petition.

A counter affidavit is filed stating that Nanganurupalli in Proddatur Mandal of YSR District is a 'Shotrium' village. After conducting survey, new survey numbers were allotted in the place of old paimoish numbers. The acquisition of land of an extent of Acs.20.00 cents by the petitioner under registered sale deed, dated 25.09.1971, was admitted, but the land in Survey No.98 is classified

as 'river' and the title vested with the Government. When the pattadar pass books and title deeds were issued to the petitioner for an extent of Acs.15.00 cents situated in Survey No.19, some ryots objected to the same. They sought for cancellation of the pattadar pass books and title deeds issued in favour of the petitioner. The petitioner was never owner of the land of an extent of Acs.20.00 cents in Survey No.19/4. She obtained pattadar pass books and title deeds by concealing the real facts. The document possessed by the petitioner relates to land in Survey No.98, but not Survey No.19/4. She submitted several representations, wherein she admitted that the survey number was wrongly mentioned in the registered document. The subject land is in possession and enjoyment of the ryots of the village. The Tahsildar conducted field inspection and recommended for cancellation of pattadar pass books and title deeds issued in favour of the petitioner. During the enquiry, it also came out that one Chavali Gangaiah stated that he purchased an extent of Acs.2.00 cents from the petitioner in the year 1974. It is ultimately stated that the request of the petitioner for allotment of sub-division and fixing the boundaries to the subject land cannot be considered as per sub-section 13 of Section IV of the Board Standing Order 34-A. The land claimed by the petitioner is now in possession and enjoyment of the third parties for the last forty years.

In view of the disputed questions of fact, the relief sought for by the petitioner cannot be granted and it is for the petitioner to establish her right before the civil Court and seek consequential relief.

The writ petition is accordingly dismissed. Consequently, miscellaneous petitions, if any pending, in this writ petition, shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

19.02.2018
pln

