

THE HONOURABLE SRI JUSTICE T. AMARNATH GOUD

WRIT PETITION No.9685 of 2006

ORDER:

This writ petition is filed seeking the following relief:

“...to issue a writ, order or direction and more particularly one in the nature of Writ of Mandamus setting aside the Joint Collector’s proceedings in Revision Case No.D1/11/1998, dated 4.3.2006 confirming the proceedings of the Revenue Divisional Officer, Gadwal in his order in File No.A/6022/96, dated 22.4.1998 and consequently declare that the proceedings of the Mandal Revenue Officer, Alampur in ROR No.6A/307/96, dated 12.7.1996 as illegal and invalid”.

The petitioner is the wife of the respondent No.3 and is said to be the owner in respect of land to an extent of Acs. 9.27 guntas in Survey No.297/B of Konair village, Alampur Mandal by way of gift and the registered gift deed was executed in her favour by Smt. Nagalakshamma stating that the said land was given to the petitioner herein on 6.9.1985 as pasupu kumkuma on the occasion of her marriage.

The case of the respondent No.1 is that it is the ancestral property and it is not the self acquired property of father of the respondent No.3 and the said fact has been decided by the RDO, Gadwal in his order dated 22.4.1998 wherein the respondent No.1 herein was the appellant before the RDO. The appeal was allowed holding that the subject lands are the ancestral properties and the same have to be divided in four equal shares. The respondent Nos. 2 and 3 herein were the respondents before the RDO in the petition

filed by the respondent No.1. Aggrieved by the orders of the RDO, the respondent Nos. 1 and 2 before the RDO, who have been arrayed as respondent Nos. 2 and 3 in this writ petition preferred revision under Section 9 of the A.P. Rights in Lands and Pattadar Pass Books Act, 1971 and the same was dismissed by order dated 4.3.2006 by confirming the order of the RDO stating that the land bearing Sy.No.297/B admeasuring Acs. 9.20 guntas is ancestral property only but not self acquired property and the so called gift deed is not recognized. Aggrieved by the said orders of the Joint Collector, dated 4.3.2006 the petitioner herein filed this writ petition.

Prima facie, the petitioner is not a party before the official respondent Nos. 4 and 5 and it appears that there is nexus between the petitioner and respondent Nos.2 and 3 herein. It is not understood as to when the wedding was taken place and how the registered deed alleged to have been executed on 6.9.1985 came into light on 7.6.1996 is unexplained and since there are several disputed facts involved, it is not for this Court to decide the matter by going into the merits of this case. Hence, the writ petition is dismissed giving liberty to the petitioner to agitate the matter before the competent authorities or competent Court of law, if so desired, but not under Article 226 of the Constitution of India.

Consequently, miscellaneous petitions pending if any, shall stand closed. No order as to costs.

JUSTICE T. AMARNATH GOUD

Date: 13.04.2018

slk

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Dated : 13.04.2018

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