

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 31269 of 2018

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Revenue (Andhra Pradesh).

2. With the consent of both the parties, the Writ Petition is disposed of at the admission stage.

3. The present Writ Petition came to be filed seeking issuance of Writ of Certiorari to quash the proceedings dated 05.06.2018 and 11.06.2018, in respect of the lands in Survey No.975/3, admeasuring Acs.4.96 cents situated at Chinna Alloru Village, Kalgiri Kaveli Taluka, Nellore District, under D-Form patta, and declare the action of the respondents as illegal and arbitrary.

4. A perusal of averments would show that the father of the petitioner was assigned land by the revenue authority vide D-Form patta. Pattadar pass books and title deeds were also issued and a certificate under Sections 3 and 4 of A.P. Assigned Land (Prohibition of Transfer Act, 1977) was also issued to the father of the petitioner. It is stated that the father of the petitioner died eight years back and during his lifetime, he raised DRT State Bank loan for the purpose of cultivation and as there was default, in payment of

instalment, auction was conducted wherein respondent No.5 purchased the property in the Court proceedings. Long thereafter, an application came to be filed seeking issuance of pattadar pass book, which was rejected. Thereafter, the petitioner in his representation dated 15.04.2013, questioned the action of respondent No.4 and also filed a Writ Petition vide W.P.No.14856 of 2013, which was disposed of on 18.04.2017, directing the respondents to consider the representation within three months. It is the plea of the petitioner that the order dated 11.06.2018, came to be passed without issuing any notice and without conducting enquiry.

5. It is to be noted here that the impugned order came to be passed basing on the representation made by the petitioner. It is no doubt true that the petitioner being an assignee of the land, is entitled for pass book, title deed and D-Form patta, under Sections 3 and 4 of the Act. At the same time, it is also to be noted that the petitioner committed default in payment of installment, due to which the said land was auctioned and the same was purchased by respondent No.5.

6. Since the issue is relates to number of factual aspects, it would be just and proper for the petitioner to avail the remedies available under law, seeking redressal of his grievance.

7. Accordingly, the Writ Petition is disposed of, giving liberty to avail the remedies available under law as no direction, as sought for, can be given under Article 226 of the Constitution of India.

8. Miscellaneous petitions, pending if any, shall stand closed in the light of this final order. No order as to costs.

31.08.2018
vhh

JUSTICE C. PRAVEEN KUMAR

