

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 30571 of 2018

ORDER:

Since this Court is not going into merits of the case, it may not be necessary to issue notice to the unofficial respondent.

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 Mandamus declaring the action of respondent No.2 in seeking to dispossess the petitioner from Acs.3.30 cents of land in Survey No.46-3A, situated at Koneswara Bhattapalli village, Dakkili Mandal, SPSR Nellore District, at the instance of respondent No.3, as illegal and arbitrary.

4. The averments in the affidavit filed in support of the Writ Petition would show that the mother of the petitioner by name Nagam Subbamma was granted D-Form patta 50 years back, by the then Tahsildar and ryotwari pass book was also issued in her favour and thereafter the ROR 1B was also issued in the name of said Subbamma. It is also stated that her name was also reflected in Adangal, which is evident from the Fasli 1427. The said Subbamma passed away leaving behind her three daughters and four sons. It is stated that the petitioner who is the son of said Subbamma is in possession of the property and the same is not partitioned till date. It is also averred in the affidavit that the property was

surveyed and measured by the revenue officials and showed the name of the petitioner as enjoyer of the said property. The averment in the affidavit is to the effect that when the second respondent was trying to change the revenue records, the petitioner got issued legal notice to the second respondent and also the District Collector, SPSR Nellore District. In spite of service of notice, the second respondent, at the instance of the third respondent, manipulated the revenue records. This action of the respondent is sought to be challenged in the present Writ Petition.

5. Learned Government Pleader, on written instructions, states as under:

“..Smt.Narravula Saraswathi has alienated an extent of Ac.0.19 and 0.31 in Survey No.S.46-1 and 46-2 respectively after the demise of her husband Sri Narravula Guruswamy, the assignee in favour of the petitioner through agreement dated 25.08.2015. The agreement is not valid in the eye of law. The alienation of the assigned land is against the rules framed under A.P.Assigned Lands (POT) Act, 1977. Survey Nos.46-3A with Acs.3.30 was assigned in the name of Sri Narravula Guruswamy but Nagam Ramachandraiah, Gopalakrishnaiah and Vijayabhaskar sons of late Nagam Ramaswamy have executed unregistered consent letter in favour of their brother, the petitioner, stating that they have no objections for enjoying the land in Survey Nos.46-1, 46-2, 46-3A with Ac.0.19, 0.28 and 3.30 respectively of the K.B.Palli village though they have no right over the land. So this agreement is not valid as the assigned land is inheritable but not alienable as per conditions of grant of DKT patta and Section 3 of the A.P.Assigned Lands (POT) Act, 1977.

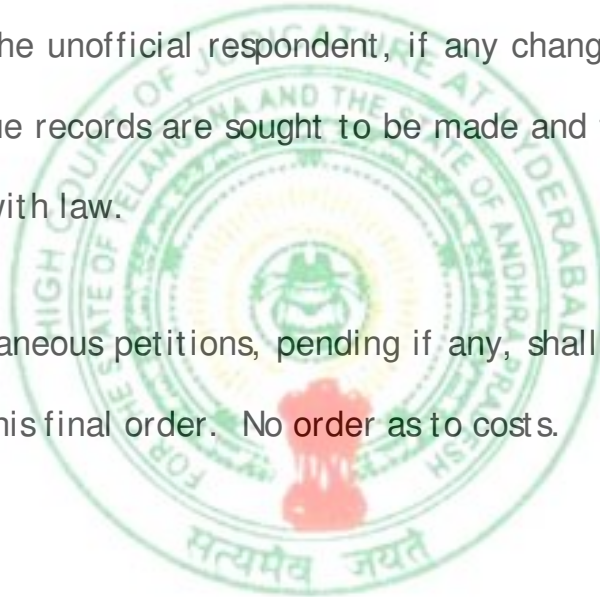
Smt. Narravula Saraswathi has already filed a suit regarding the subject land against the petitioner and the Tahsildar, Dakkili and

it is pending in O.S.No.74 of 2018 in the Court of the Junior Civil Judge, Venkatagiri.”

6. Learned Government Pleader for Revenue would submit that any action by the respondents would be in accordance with the provisions by giving notice to the petitioner and the unofficial respondent.

7. Having regard to the above, the Writ Petition is disposed of directing the second respondent to issue notice to the petitioner and also to the unofficial respondent, if any change in the entries in the revenue records are sought to be made and then proceed in accordance with law.

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



JUSTICE C. PRAVEEN KUMAR

29.08.2018
vhb