

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 31828 of 2018

ORDER:

1) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the fifth respondent in not acting upon the application vide Roc.F1/ 4548/ 2012 for implementation of the orders of the Additional Assistant Settlement Officer, Chittoor, issued under Section 15 (1) of Estates Abolition Act, 1948 in SR.No.432/ 15 (1)/ 60/ PN/ KHT, dated 31.08.1961 for land in Old Sy.No.1, New Sy.NO.1P admeasuring Ac.6.00 in Ramanujapalle Village of Srikalahasti Mandal, Chittoor District and carry out necessary mutations in the revenue records as arbitrary and illegal.

2) A perusal of the material on record would show that the Commissioner of Appeal vide his order dated 25.07.2013, directed the Joint Collector to examine the issue at his level, after verifying the documents produced by the petitioners and pass appropriate orders. It would be appropriate to extract the relevant portion of the order, which is as under:

“It is also observed that, the party/ petitioner has filed certified copies of the settlement patta granted to his ancestors under Section 15 (1) of the Estates Abolition Act. The fact of issuance of the certified copy has not been disputed. Grant of patta was not disputed. The grant of patta has not been challenged by way of an appeal. So the patta has become final. The Tahsildar;

has only said that since the lands have been notified as Reserve Forest under Section 4 of the A.P. Forest Act, 1967, the said patta cannot be implemented, which stand seems to be not correct. There is no reason why it was not implemented. Patta was said to have been granted in 1961. Lands were notified under section 4 of A.P. Forest Act, 1968 in the year 1969. Grant of patta creates rights in the grantee from the date on which the notification taking over the Estate takes effect. This aspect has not been examined properly. So the Joint Collector, Chittoor is directed to examine this issue at his level after verifying the documents produced by the petitioners and pass appropriate orders.”

3) Thereafter, the matter was placed before the Joint Collector. It is said that till date no order has been passed by the Joint Collector in spite of repeated requests made. Since the request of the petitioner is only for implementation of the order passed by the Commissioner, Appeal, wherein he directed the Joint Collector to examine the issue referred to above and pass orders at his level, this Court is of the opinion that a counter may not be necessary to decide the issue.

4) Having regard to the above, the writ petition is disposed of, directing the Joint Collector, Chittoor, to take steps for implementation of the order of the Commissioner, Appeal, dated 25.07.2013, if not challenged, in accordance with law, as early as possible, preferably, within a period of two to three months, from the date of receipt of a copy of the order.

5) Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

10.10.2018
gkv

