

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.33407 OF 2018

ORDER:

The present writ petition came to be filed seeking to declare the action of the respondents 2 to 4, in not taking appropriate action on the representation dated 6.3.2018, submitted by the petitioner for restoring his patta land admeasuring Ac.3.28 cents, situated at Sy.No.2029/2, Alluru, Kothapatnam Village and Mandal, Prakasam District, to his possession or to allot the alternate land in lieu of the above said land, as illegal and arbitrary.

It is the case of the petitioner that he is the owner and possessor of the subject land and he has been cultivating the same for more than ten years. It is said that after verification of the eligibility of the petitioner, the 4th respondent granted patta in D.K.No.60/1400 dated 5.2.1991. It is stated that since the petitioner is in possession and enjoyment of the subject land, he applied for issuance of pattadar passbooks and title deeds for the subject land, but the respondents 2 to 4 did not take any action so far. Hence, the present writ petition.

When the matter is taken up for hearing, learned Government Pleader for Revenue, placed on record the written instructions, received from the Tahsildar, Kothapatnam Mandal, wherein it is stated that the subject land is classified as Government dry land and in the pattadar column, there are no names of pattadars recorded, except dots. As could be seen from the entries of Adangal for Fasali 1420 *prima facie*, the land in Sy.No.2029, was sub-divided and since the date of transfer of the subject land, the Horticulture Department, has been in possession and enjoyment of the same. The petitioner appears to be never in possession and enjoyment of the subject land.

Learned counsel for the petitioner denies the contents of the written instructions submitted by the learned Government Pleader for

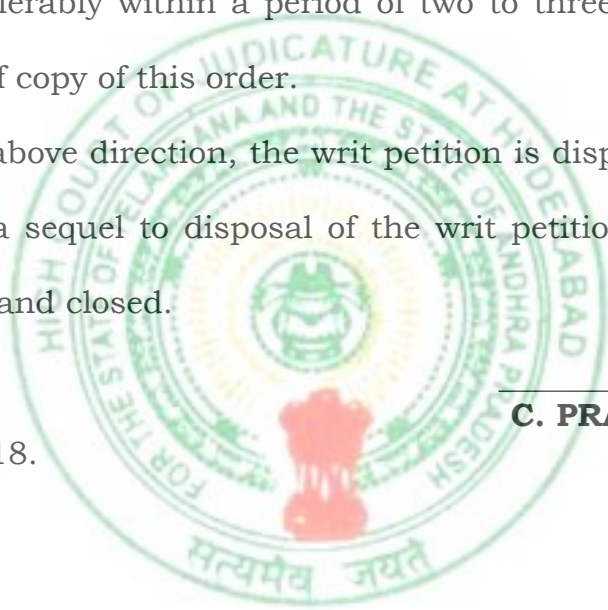
Revenue and submits that the petitioner is in possession and enjoyment of the subject land. If the subject land is allotted to any third parties, at least an alternative land of same extent, may be directed to provide to the petitioner.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the respondents 2 to 4, to deal with the representation dated 6.3.2018, submitted by the petitioner seeking reinstatement of the subject land to his possession or to allot the alternate land in lieu of the above said land to the petitioner, if he is entitled to and pass appropriate orders, in accordance with law, as early as possible, preferably within a period of two to three months from the date of receipt of copy of this order.

With the above direction, the writ petition is disposed of. No order as to costs. As a sequel to disposal of the writ petition, WP.M.Ps if any pending shall stand closed.

Dated:24.09.2018.
Gk

C. PRAVEEN KUMAR, J



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