

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 35381 of 2018

ORDER:

The present writ petition came to be filed seeking issuance of writ of *mandamus*, directing the Special Deputy Tahsildar (Inam), Visakhapatnam to consider the objections of the petitioner-Society, in respect of the land admeasuring A.17.50 cents in Survey No. 3A/ 1B of Vepagunta Village, Pendurthy Mandal, Visakhapatnam, as it is a private Zeroit land, as illegal, improper and incorrect.

2. The petitioner-Society herein claims to have acquired the above mentioned land bearing patta No.71, vide sale deed dated 26.12.1983 from Smt. Kakarlapudi Savitramma and others. Subsequently, the land is said to have been transferred by the promoters by executing a relinquishment deed dated 02.01.1986 in favour of the petitioner-Society. Later on, the petitioner-Society approached the Visakhapatnam Urban Development Authority (VUDA) for approval of the layout and after considering their title over the land, VUDA accorded final approval of the layout in the month of January, 1994, vide proceedings Pc.No. 81/ 89/ G2. The said layout, which was divided into house plots, was allotted to individual members of the petitioner-Society, and since then, they claim to be in possession of the property.

3. It is further stated that the officials of the 6th respondent-Devasthanam started interfering with the laying of the layout of

the petitioner-Society, to which the petitioner-Society submitted a detailed explanation to the revenue authorities, complaining about the highhanded interference of the officials of the 6th respondent-Devasthanam. According to the petitioner-Society, the 6th respondent has no right over the subject land, as the land is private Zeroit land, even as per the revenue records. However, relying upon the orders passed in W.P.No. 6956 of 2010 and batch, which was subsequently challenged in W.A.No. 1648 of 2018 and batch, the petitioners also submitted their objections before the Special Deputy Tahsildar (Inams), as directed in the aforementioned writ petition.

4. Learned Standing Counsel for Endowments would submit that the case of the petitioners in W.P.No. 6956 of 2010 and batch stands on a different footing from that of the petitioner-Society herein. It is stated that the very document filed by the petitioners under Form No.4 shows that the subject land was given to the petitioners only for agriculture and that they have no right to use the said land for commercial purposes. But, however, states that if the petitioner-Society is otherwise entitled to, they may be permitted to raise their objections on all aspects.

5. In view of the orders passed by the Division Bench of this Court in Writ Appeal No. 1648 of 2018 and batch, the petitioner-Society may make an application before the Special Deputy Tahsildar (Inams), Visakhapatnam, raising their objections in respect of the land referred to above, if they are otherwise entitled to, and if the said application is entertained, the

authorities shall deal with the same, after hearing the 6th respondent herein and also all concerned, and pass orders in accordance with law, as early as possible.

6. With the above directions, the writ petition is disposed of at the admission stage. There shall be no order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

01.10.2018
DMG



JUSTICE C. PRAVEEN KUMAR