

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND**

THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

**Writ Appeal Nos.1648, 1650, 1671, 1674, 1780, 1815, 1906 of 2017
and
185 of 2018 and 249 of 2018**

Common Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

Heard Smt. K. Lalitha, and Sri M. Adinarayana Raju, learned Counsel for the Simhachalam Devasthanam, and Sri P. Roy Reddy, learned counsel for the respondent-writ petitioners, and, with their consent, all these appeals are disposed of at the stage of admission.

The appellants herein are the respondents in the Writ Petitions which form part of the batch of cases in W.P. 6956 of 2010 and batch. They invoked the jurisdiction of this Court questioning the action of the appellants herein in seeking to conduct auction of the usufruct of agricultural lands, which the respondent-writ petitioners contend are "Zeroyati" lands which they own. An interim order was passed, during the pendency of the Writ Petitions, granting stay of the auction; and, in the light of the interim order, no auctions were held.

While the appellants are aggrieved by that part of the order of the learned Single Judge, whereby the respondent-writ petitioners were granted liberty to approach the Special Deputy Tahsildar (Inams), Visakhapatnam, and he was directed to consider such claims and pass appropriate orders within six months, both Smt. K. Lalitha, and Sri M. Adinarayana Raju, learned Counsel for the Simhachalam Devasthanam, would submit that, since a ryotwari patta was granted in favour of the Devasthanam in the year 1996, the subject lands belong to the Devasthanam; and the claim of the respondent-writ petitioners, to the contrary, is not tenable.

Sri P. Roy Reddy, learned counsel for the respondent-writ petitioners, would fairly state that the ryotwari patta granted to the Simhachalam Devasthanam in the year 1996 was not questioned by the respondent-writ petitioners in the present Writ Petitions. Learned Counsel would, however, contend that the reason for their failure to question the said proceedings is because they came to know of the grant of a ryotwari patta in favour of the Simhachalam Devasthanam only after they had filed the Writ Petitions; and, instead of keeping the Writ Appeals pending on the file of this Court, it would suffice if the respondent-writ petitioners are granted liberty to approach the appellate authority (Revenue Divisional Officer) questioning the orders passed by the primary authority both under Sections 3 and 7 of the Andhra Pradesh (Andhra Area) Inams (Abolition and Conversion into Ryotwari) Act, 1956 (hereinafter referred to as “the Act”).

While both Smt. K. Lalitha and Sri M. Adinarayana Raju, learned Counsel for the Simhachalam Devasthanam, would submit that the jurisdiction of the Revenue Divisional Officer cannot be invoked after a lapse of 22 years, and any such appeal is not maintainable, it is wholly unnecessary for us to examine these rival contentions as they were not examined in the order under appeal. Suffice it, while granting liberty to the respondent-writ petitioners to question the orders passed by the primary authority under Sections 3 and 7 of the Act and in granting ryotwari patta to the Simhachalam Devasthanam, to make it clear that, on his jurisdiction being invoked by the respondent-writ petitioners, the Revenue Divisional Officer would give the appellants an opportunity of being heard; and, on such an opportunity being afforded, it is open to the appellants herein to raise all such contentions, as are available to them in law, including on the maintainability of the appeals.

With these observations, the Writ Appeals are disposed of.
Miscellaneous Petitions pending, if any, shall also stand disposed of.
There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(KONGARA VIJAYA LAKSHMI, J)

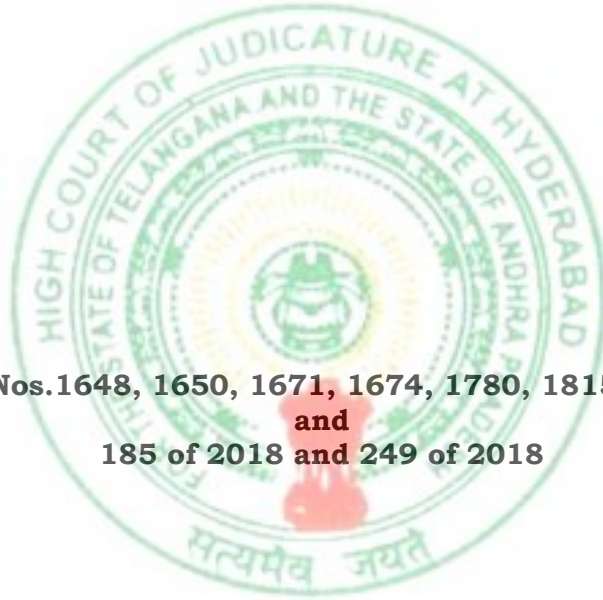
4th April, 2018

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Date:04.04.2018

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