

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.38988 of 2018

ORDER:

The case of the petitioner is that himself and his brother Kapugunta Venkata Chalamaiiah have jointly purchased the land in sy.No.345-A1, 345-C and 341-1A an extent of Ac.0-43 cents of Kondayapalem village, Nellore Mandal under registered sale deed dated 13-07-1987. Out of the same, Nellore Municipality have formed mini by-pass road in an extent of Ac.0-41 cents. The remaining extent of Ac.0-02 cents belongs to the petitioners. As such the petitioner made application and paid necessary fee for sub-division and fixing the boundaries of remaining land in Sy.Nos 345-A1, 345-C and 341-A of Kondayapalem. As the same is not being disposed of, the present writ petition is filed.

Learned Assistant Government Pleader for Revenue produced written instructions stating that there is no sub-division number for an extent of Ac.0-02 cents. There is no sub-division in the F.M.B and moreover, the land is not under the enjoyment of the petitioner as he could not show the land in question at the time of enquiry. It is also stated that there is a family dispute over the land in question.

In this case it is to be seen that, when the application of the petitioner is pending before the competent authority, the competent authority has to consider the said aspect and pass

orders on the said application, if necessary after issuing notice to the petitioner to enable him to substantiate his case.

In view of the facts and circumstances, the competent authority is directed to consider the application of the petitioner in accordance with law and take action accordingly, within a period of six weeks from the date of receipt of a copy of this order.

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

12-11-2018

Nvl

A.RAJASHEKER REDDY,J

