THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

C.C.NO.2071 OF 2016

O R D E R

Aggrieved by the inaction of the revenue authorities in considering the representations/applications of the petitioners dated 28.10.2015, 9.11.2015 and 22.02.2016, for entering their names in the revenue records and in issuing pattadar pass books and title deeds in respect of subject lands, W.P.No.23470 of 2016 was filed. This court by order dated 22.07.2016 disposed of the writ petition as under:

> "Since it is stated that applications for mutating the name of petitioners are pending before the 4th respondent basing on the partition decree in O.S.No.239 of 1997, dated 26.09.2000, the 4th respondent is directed to dispose of the applications filed by the petitioners, in accordance with law, after issuing notice to the affected parties. Said exercise shall be done within a period of six weeks from the date of receipt of a copy of order."

Complaining that the respondent – Tahsildar, has not complied with the above order of this court, the present contempt case is filed.

The respondent – Tahsildar, Ibrahimpatnam mandal, Krishna District filed counter affidavit stating *inter alia* that in pursuance of the order passed by this court, notices were issued to the parties vide Proc.Rc.B.14/2017 dated 19.01.2017 fixing the date of enquiry and the petitioners attended the said enquiry. After concluding the enquiry, and inspecting the subject land along with field staff on 24.01.2017 and taking into consideration the statements recorded during enquiry and inspection of site on 24.01.2017, and considering the available revenue records, proceeding in Rc.B.14/2017 dated 28.01.2017, was issued, rejecting the claim of the petitioners. It is stated that the as the order of this court has been complied with, there is no violation and hence the contempt case may be dismissed.

The learned counsel appearing for the petitioners would submit that after conducting the survey, no report was furnished as on today and hence, it cannot be said to be true compliance of the orders of this court.

The learned Assistant Government Pleader for Revenue submits that by issuing the proceedings dated 28.01.2017, the respondent has complied with the order passed by this court and if the petitioner is aggrieved, he can question the same in appropriate proceedings.

By issuing proceedings dated 28.01.2017, the respondent stated that the land to an extent of 0.74 cents in Sy.No.4/3 of Navapothavaram village of Ibrahimpatnam mandal, Krishna District, was disposed of by the father of the applicant i.e., Kommaru Venkateshwara Rao to one Chalasani Babu Rajendra Prasad, under registered document bearing No. 3706/2002 dated 25.09.2002 and that the said purchaser is in possession and hence issuance of pattadar pass book in respect of said land is not possible. In respect of land in an extent of Ac.0.97 ½ cents in Sy.No.60, it is stated that in the said land there are no fixed boundaries and the land exists as a single contiguous piece along with the land of neighbouring farmers and that the said land is not matching with the revenue records. Hence, the petitioners were advised to fix specific boundaries and to apply in Ee seva for sub division of the land and after sub division, it would be possible for issuance of pattadar pass books.

From the above proceedings of the respondent, it is clear that the respondent has not rejected the claim of the petitioners, but required them to fix specific boundaries and thereafter to apply for sub division of the land. The Tahsildar stated that based on such sub division, it would be possible for him to issue pattadar pass books.

Since the claim of the petitioners is not rejected in toto, and the counsel for the petitioner submits that after survey, no report was furnished and the same has not been denied in the counter affidavit, in order to meet the ends of justice, this contempt is disposed of directing the respondent to take action on the application of the petitioners in terms of the survey report.

Miscellaneous petitions pending, if any, shall stand closed.

No order as to costs.

A.RAJASHEKER REDDY,J

DATE:01—02—2018

AVS