

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.42617 OF 2018

ORDER

It is the case of the petitioners that they are owners and possessors of land admeasuring Ac.0-83 cents of dry land in Sy.No.246/1 and land admeasuring Ac.1-47 cents of dry land in Sy.No.247/1 of Vendata Puram Revenue Village, Tirupati Rural Mandal, Chittoor District. The subject lands were initially classified as channel poramboke and were unfit for cultivation. The petitioners brought them under cultivation by spending huge amounts. When some parties tried to interfere with their possession and enjoyment, the petitioners filed a suit in O.S.No.557 of 1994 and O.S.No.952 of 1995 and the said suits were decreed in their favour vide judgment and decree dated 21-02-1995. The petitioners have approached respondents 2 and 4 for market value and 4th respondent rejected the same vide endorsement dated 24-12-2010. When respondents 1 to 4 forcefully tried to evict the petitioners, they filed a suit in O.S.No.34 of 2011 on the file of I Additional Junior Civil Judge, Tirupati for declaration of title and possession by adverse possession and consequential injunction and said suit was decreed in their favour vide judgment and decree dated 03-05-2012. The said judgment has attained finality, as no appeal is filed challenging the same. The petitioners filed an application/representation dated 22-03-2017 before the 5th respondent seeking market value certificate in regard to subject lands and 5th respondent issued a certificate dated 22-03-2017

showing zero valuation stating that the subject lands are classified as government lands and hence no value is fixed and the same are prohibited for registration. Thereafter, the petitioners made a representation dated 01-07-2017 to respondents 2 to 4 by placing all above facts and requested to mutate their names in relevant revenue records and delete the subject lands from the prohibitory list. But no orders are passed on the same. Aggrieved by the same, the present writ petition is filed.

Learned Assistant Government Pleader for Revenue basing on instructions submits that petitioners were informed through a letter dated 22-03-2017 stating that the subject lands are government lands.

Learned counsel for the petitioners submits that civil Court has granted decree in favour of the petitioners and the respondents are bound to consider the same and take action.

In this case, it is to be seen that petitioners made representations to the Joint Collector, Revenue Divisional Officer, Tahsildar concerned, but it is the District Collector, who is the competent authority to consider the said issue.

In view of the same, it is open for the petitioners to make fresh application to the District Collector stating all above facts along with necessary documentary evidence and on such application, the District Collector is directed to consider the same in accordance with law within a period of two months from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. Interlocutory applications pending, if any, shall stand closed. No costs.

A.RAJASHEKER REDDY,J

14-12-2018
Nvl

