

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION NO. 44695 OF 2017

ORDER:

Heard the learned counsel for the petitioner and learned Government Pleader for respondents 1, 2, 4 to 6 and Standing Counsel for Respondent No.3.

The case of the petitioner is that he is the absolute owner and possessor of land situated in Sy.No. 8/1 of Chilakaluripeta (Purushothampatnam) village and Mandal, Guntur district. The details of the land are as follows:

Extent in Sq.Yds.	Sy. No.	Regd.Document No. & Date	Name of Vendor
1452	8/1	1042/95, 31.3.1995	Sk.Allabaksh, S/o Sk.Imam Saheb
968	8/1	1043/95, 31.3.1995	Sk.Allabaksh, S/o Sk.Imam Saheb
726	8/1	1051/95, 31.3.1995	Sk.Allabaksh, S/o Sk.Imam Saheb

The total extent is Ac 3146 Sq.Yards. It is his case that originally the said land is inam land and the total extent of land in Sy.No.8 is Ac.28.45 cents as shown in the resettlement register. The said land was subsequently divided into Sub Division Numbers with Sy.Nos.8/1 and 8/2 during the year

1938-1939. The classification of the land was shown as “Inam” land in respect of Sy. No.8. After abolition of Inams under the provisions of Andhra Pradesh (Andhra Area) Inams (Abolition and Conversion into Ryotwari) Act, 1956, the occupants were granted ryotwari patta and their names were incorporated in the village revenue records. The pattas were granted by the then Special Deputy Tahsildar, Narsaraopet. The grant was made for entering personal service and it was not granted in favour of any religious institution. While so, the 3rd respondent filed O.S.No.12 of 1969 on the file of the Court of Subordinate Judge, Narsaraopet for recovery of possession and in the said suit, the predecessor in title of the petitioner was the 1st defendant. The land of the predecessor in title was shown as Ac.1.84 cents. The subject matter of the land covered by the present writ petition forms part of the said Ac.1.84 cents. Initially, O.S.12 of 1969 was decreed on 1.10.1973 by the learned Subordinate Judge, Narsaraopet and against the same, A.S.No.195 of 1973 was preferred by the 1st defendant. The said appeal was dismissed on 31.12.1976 confirming the Judgment and Decree in O.S.No.12 of 1969. Against the same, the predecessor in title of the petitioner filed S.A.No.146 of 1977 before this Court and this Court allowed the said second appeal by Judgment and Decree dated 15.3.1978

dismissing O.S.No.12 of 1969 filed by the 3rd respondent and the said Judgment and Decree has become final. However, the said land was included in the list of Government lands and challenging the same, the petitioner and his wife filed Writ Petition No. 18045 of 2011 before this Court and the said Writ Petition was disposed of on 7.2.2013 in view of the decision of this Court in Writ Petition No.30526 of 2012 and batch dated 31.12.2012. The said decision is reported in the case of VINJAMURI RAJAGOPALA CHARY vs. STATE OF ANDHRA PRADESH AND OTHERS¹. While so, the 3rd respondent addressed a communication on 19.4.2016 to the 4th respondent including the land in Sy.No.8/1 in the list of Waqf properties and as a result of the same, the properties covered by Sy.No.8/1 are not being registered by the registering authorities. Challenging the said inclusion of the said property in the list of prohibited properties, the present Writ Petition is filed.

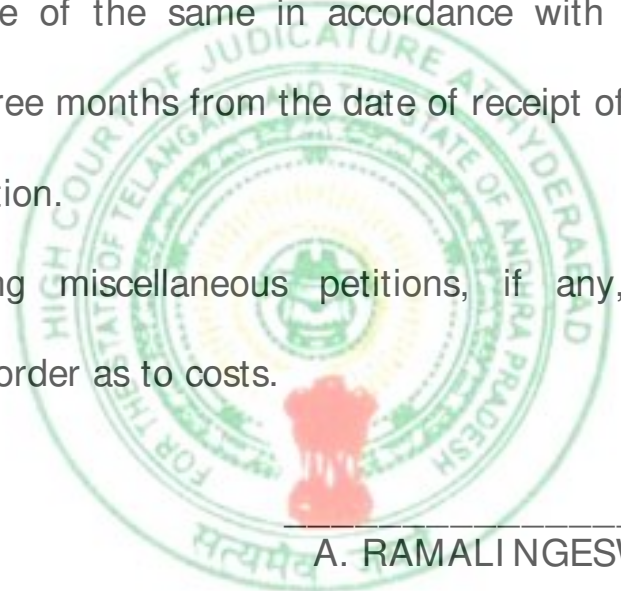
A Full Bench of this Court, in the above decision in the case of VINJAMURI RAJAGOPALA CHARY vs. STATE OF ANDHRA PRADESH AND OTHERS¹, gave liberty to the parties affected by inclusion of the properties in the list of prohibited properties, to apply for deletion from the list or modification thereof, to the concerned authorities and the

¹ 2016 (2) ALD 236 (FB)

concerned authorities were directed to consider the request in proper perspective and pass appropriate orders.

In view of the same, this Writ Petition is disposed of giving liberty to the petitioner to bring it to the notice of the concerned authority for deletion of the property claimed by the petitioner by virtue of the earlier orders or on some other ground justifiable by the petitioner and as and when the petitioner files such an application, the concerned authorities shall dispose of the same in accordance with law, within a period of three months from the date of receipt of a copy of the said application.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.



A. RAMALINGESWARA RAO,J

Date: 24.1.2018

KPM