

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.27870 of 2019

ORDER:

This Writ Petition is filed challenging the action of the respondents in not mutating the names of the petitioner and her family members as successors of late Balwant Rao Deshmukh, Dadaji Deshmukh and Harabji Deshmukh to the land in Sy.No.51 admeasuring 814.31 acres at Gunjala village, Adilabad District as illegal and arbitrary and for a consequential directions.

It is the case of the petitioner that her husband late Balwant Rao Deshmukh along with Laxman Rao S/o.Jairam, Vijay, late Dadaji Deshmukh and late Harabhji Deshmukh were joint pattadars of land admeasuring 1394.31 acres in Sy.No.51 at Gunjala village since 1950s. Out of the entire 1394.31 acres and an area to the extent of 580.00 acres was surrendered to the Government under Land Ceiling Act in the year 1990 and thereafter, her husband late Balwant Rao Deshmukh along with Laxman Rao S/o.Jairam Vijay, late Dadaji Deshmukh and late Harabhji Deshmukh continued to be the joint pattadars for the remaining land i.e., 814.31 acres. The families of the petitioner have been utilizing the subject land for cultivation purpose since many decades. After the death of the husband of the petitioner i.e, late Balwant Rao Deshmukh, and others i.e., Dadaji Deshmukh and Harabji Deshmukh, the petitioner and her family members have succeeded as pattadars to the subject property by virtue of Section 4(1) of the Rights in Land and Pattadar Passbook

Act, 1971 (for short, 'the Act'). The petitioner and her family members are entitled for succession by survivorship of the subject lands under Section 4(1) of the Act, as such, they approached the 2nd respondent to mutate their names in the revenue records. The 2nd respondent directed the 3rd respondent to look into the matter, who in turn directed the 4th respondent to pursue the matter. The 4th respondent by orders dated 06.12.2017 and 21.12.2017 reported that he had conducted a gramasabha and observed that the land in Sy.No.51 to an extent of 1394.31 acres at Gunjala village is patta land and the land owners have surrendered an extent of 580 acres to the Government under the Land Ceiling Act and the balance area of 814.31 acres stands in the name of the private persons. The 4th respondent relied on the khasra pahanies for the years 1953-1954. The 3rd respondent in his order dated 10.03.2018 had recorded all the observations as made by the 4th respondent and reported the matter to the 2nd respondent for his approval and same is pending before him. Though several representations are made by the petitioners and the last representation being dated 02.04.2018, no action is being taken by the respondents. Aggrieved by the same, present writ petition is filed.

Heard learned counsel for the petitioner and learned Assistant Government Pleader for revenue appearing for respondents.

Learned Assistant Government Pleader for respondents submitted that the property is included in the list of prohibited properties under Section 22-A of the Registration Act.

The facts narrated above goes to show that the case of the petitioner was enquired into by the respondents 3 & 4 and submitted the same before the 2nd respondent and they are waiting for the approval of the 2nd respondent. Several representations were also made by the petitioner to the respondents including the last representation on 02.04.2018.

In view of above facts and circumstances, since it is stated that the report of the respondents 3 & 4 is pending before the 2nd respondent, the 2nd respondent is directed to take appropriate action on the representation of the petitioner dated 02.04.2018 within a period of three months from the date of receipt of a copy of this order.

With the above direction, this writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY, J

21-01-2020
kvs

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