

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 1167 of 2005

Between:

- 1 K.A. Krishna Macharyulu S/o Late Govinda Charyulu
D.No. 1-1, Brahmin Street, R/o Devad Village, Kothavalasa Mandal,
Vizianagaram District
- 2 Vinnakota Ramanaji S/o Late Apparao
Masivanipalem R/o Devad Village, Kothavalasa Mandal, Vizianagaram
District

..... PETITIONER(S)

AND

- 1 The Commissioner, Survey and Land Records, Gagan Vihar A.P.
Hyderabad
- 2 The Asst. Director Survey and Land Records, Vizianagaram
Vizianagaram
District
- 3 The Mandal Revenue Officer, L. Kota mandal, Vizianagaram district
- 4 Kona Simhachalam W/o Late Bangaraiah
R/o Konamasivani Palem Vilalge, Devada Post, Kothavalasa Mandal,
Vizianagaram District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent herein in attempting to issue title and documents in favour of the 4th respondent in part of the land property in Sy. No. 82 admeasuring Ac. 117-45 cents situated at Thamarapalli Village, L. Kota Mandal, Vizianagaram District is highly arbitrary, unjust and unfair and violative of Article 14, 19 and 300(A) of Constitution of India and consequently direct the respondents not to issue any

title deeds or pass books in favour of any person including 4th respondent herein and not to induct into the lands in Sy. No. 82 admeasuring ac. 117-45 cents situated at Thamarapalli Village, L. Kota Mandal, Vizianagaram and pass such other order or orders

Counsel for the Petitioner: MR.K.S.MURTHY

Counsel for the Respondent Nos. 1 to 3: GP FOR REVENUE

The Court at the admission stage made the following :

ORDER:

The petitioners along with other joint family members claim to be the owners and possessors of the land to an extent of Ac.117-45 cents situated in Sy.No.82 of Tamarapalli Village, L.Kota Mandal, Vizianagaram District. It is stated that when the

4th respondent made a speculative claim to an extent of Ac.6.00 cents out of the land belonging to the petitioners, the Mandal Revenue Officer, 3rd respondent herein, conducted a detailed enquiry and having turned down the claim of the 4th respondent, granted pattadar pass books in favour of the petitioners and all the revenue records reveal their title. While so, the 2nd respondent issued notice dated 8-1-2005 stating that as per the revenue records the land in question stands in the names of some third parties and directing the petitioners to submit their objections on 10-01-2005. Accordingly, the petitioners appeared before the 2nd respondent and submitted their objections in writing together with all the supporting documents. It is alleged that in spite of the same the 2nd respondent has been coercing the petitioners to settle the matter with the fourth respondent and to give away a part of the land to the fourth respondent. Aggrieved by the said action of the 2nd respondent, the present writ petition is filed.

Heard the learned Counsel for the petitioner and the learned Government Pleader appearing for the respondents 1 to 3 and perused the material on record.

Having regard to the nature of the controversy involved, I am of the view that the matter requires adjudication by the third respondent, who is the competent authority under A.P. Record of Rights Act (for short, 'the Act') after affording due opportunity to all the parties concerned.

Accordingly, the Writ Petition is disposed of granting liberty to the petitioner to make an appropriate application before the third respondent together with all relevant material, within a period of two weeks from today in which event the 3rd respondent shall consider the same after affording a reasonable opportunity to both the petitioners and the 4th respondent and pass appropriate orders in accordance with law as expeditiously as possible, preferably within a period of four weeks thereafter. Till such time status quo obtaining as on today as to the nature and possession of the land in question shall be maintained. No costs.

31st January, 2005.

BJ

To

- 1 The Commissioner, Survey and Land Records, Gagan Vihar A.P.
Hyderabad
- 2 The Asst. Director Survey and Land Recoards, Vizianagaram
Vizianagaram
District
- 3 The Mandal Revenue Officer, L. Kota mandal, Vizianagaram district
- 4 Two C.Cs. to the G.P. for Revenue, High Court Bldgs., High Court of A.P.,
Hyderabad. (OUT)
5. Two C.D. copies.