

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE THIRTIETH DAY OF APRIL
TWO THOUSAND AND EIGHT

PRESENT
THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO
WRIT PETITION No : 9437 of 2008

Between:

Smt.Dangeti Veera Raghavamma W/o.Veeranna
Ramapayerramapalem village Devipatnam Mandal
East Godavari District

.....
PETITIONER

AND

- 1 The Chief Commissioner of Land Administration Andhra Pradesh, Hyderabad
- 2 The Commissioner & Director of Settlements Andhra Pradesh, Hyderabad
- 3 The Settlement officer, Rajahmundry East Godavari 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 an appropriate writ order or direction more particularly one in the nature of writ of mandamus declaring the action of the 2nd respondent is not disposing the appeal in AP.No.15/02 on the file of the Court of the Special Commissioner and Director of Settlements, Andhra Pradesh, Hyderabad is highly illegal, unjust and improper and consequently direct the 2nd respondent to dispose of the appeal of the petitioner in AP.No.15/02.

Counsel for the Petitioner : Sri Badana Bhaskara Rao

Counsel for the Respondents : GP for Social Welfare

The Court made the following ORDER:

Heard the learned Government Pleader for Social Welfare and with his consent, the writ petition is taken up for disposal at the stage of admission.

This writ petition has been instituted seeking directions to the 2nd respondent to take up, consider and dispose of the appeal bearing A.P.No. 15 of 2002 on the file of the Special Commissioner and Director of Settlements, Andhra Pradesh, Hyderabad.

The writ petitioner has claimed that her grand father was granted a patta bearing No. 14 A over land of an extent of 4.17 Hectares in Survey No. 122 of China Ramanayyapeta Village, Devipatnam Mandal, East Godavari District. The petitioner has asserted that at the time of her marriage, this land was given to her and that the village was forming part of Polavaram B Zameen estate which was taken over by the State on 7th September 1949 in accordance with the provisions of the Andhra Pradesh (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act, 1948. After the introduction of the Andhra Pradesh (Scheduled Areas Ryotwari Settlement) Regulations, 1970 (Regulation 2 of 1970), when the writ petitioner made a claim for grant of a ryotwari patta, the same was disallowed by the Settlement Officer at Rajahmundry. An appeal has been preferred against the said order under Section 7(1) of Regulation 2 of 1970. The Director of Settlement dismissed Appeal No. 391 of 1977, by his order dated 16th April 1981. The matter went by way of further appeal to the Commissioner of Survey and Settlements and Land Records, Andhra Pradesh, Hyderabad who

also dismissed the said appeal, by his order dated 18th August 1982. Calling in question the correctness of these orders, the petitioner has instituted Writ Petition No. 4106 of 1991 and this Court, by its order passed on 25th March 1991, remanded the matter back to the Commissioner of Survey and Settlements, for reconsideration. Thereafter, the Commissioner heard the matter and by his order passed on 21st February 2002, set aside the order in Appeal Case No.399 of 1977 dated 16th April 1981 passed by the Director of Settlements, Andhra Pradesh, Hyderabad and directed the said Appellate Authority to reconsider the appeal on merits by providing an opportunity to the parties concerned. Thus, on its return journey, the appeal has now been re-numbered as A.P.No. 15 of 2002. Entertaining the same, the 2nd respondent has also called for the files from the Sub-Collector-cum-Settlement Officer, Rampachodavaram, East Godavari District. The petitioner asserts that the files have been received on 22nd November 2005 and more than two and half years time has lapsed since then.

Since this matter has been pending for a very long time from 1977, it deserves a priority consideration by the 2nd respondent. Since he is the first Appellate Authority, he will be entitled to re-examine the entire matter and upon re-appraisal, can return a finding of fact by taking into account the material evidence produced before him. It is, therefore, appropriate that the 2nd respondent shall deal with and dispose of the appeal No.15 of 2002 on merits within a period of three months, at any rate, before 15th August 2008.

With this, the writ petition stands disposed of, but however, without costs.

(NOOTY RAMAMOHANA RAO, J)

30th April 2008

ksld

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To
1.2CCs to
2.2CD copies

*Form-NIC-OGS/WP{**TRK**}*