

HONOURABLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION Nos.7019, 7020 to 7024, 7039, 7044, 7050, 7066, 7067, 7079 and 7100 of 2014

COMMON ORDER:

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

2. The petitioners in each of these writ petitions claim that they were granted settlement pattas by the settlement officer under Section 11(a) of the Estates Abolition Act, 1948 vide orders of the Settlement Officer dated 28.01.1980. Each of the petitioners claims to have been granted different extents in different survey numbers, under separate orders of the settlement officer of the same day i.e., 28.01.1980. The said order appears to have been granted on finding that the lands are ryoti in nature and cultivable and that the possession of the claimants and their predecessors in title is established from the crucial date. By order of the Collector, Chittoor, dated 15.08.1981 the revenue authorities were directed to implement the patta in the revenue records. It appears that the revenue records, accordingly, reflect the changes from 1981.

3. Meanwhile, the Director of Settlements took up *suo motu* revision and by orders dated 22.11.1996 set aside the settlement pattas in favour of petitioners on the ground that the cist receipts and the pre-abolition records remained unverified by the settlement officer and that no notice was served on the Tahsildar. Questioning the aforesaid order of the Director of Settlement, petitioners filed revision petitions before the Commissioner of Appeals. The said separate revisions were considered by the Commissioner and disposed of by separate orders dated 28.04.2000 in each cases whereunder he came to the conclusion that in view of the overwhelming evidence available on record to find that the lands were

under cultivation for long; that cultivation by ryots was established; and that the possession of the revision petitioners was not disturbed. The revision petition was allowed and the orders of the Director of Settlements were set aside.

4. The present writ petitions are filed contending that the said order of the Commissioner, dated 28.04.2000, has attained finality and still the said order is not implemented in the revenue records of respondent Nos.2 and 3.

5. Initially notice before admission was ordered on 11.03.2014 and learned Assistant Government Pleader was required to get instructions as to whether the order of the Chief Commissioner of Land Administration has attained finality or not. Thereafter, the matter was adjourned for more than six occasions. However, no definite instructions could be received by the learned Government Pleader as to whether the said order is questioned in any proceedings by the Government or not. Apparently, therefore, the said order appears to have attained finality as no evidence is forthcoming on the part of the respondents to substantiate that the said order of the Commissioner is *sub judice* in any proceedings.

6. In view of that, therefore, I see no reason as to why respondent Nos.2 and 3 should not implement the said order in the revenue records when the said order of the Commissioner has attained finality.

Writ petitions are therefore, disposed of directing respondent Nos.2 and 3 to forthwith take steps to implement the order of the Commissioner dated 28.04.2000 in the respective revision petitions by the petitioners by implementing the same in the revenue records within a period of two months from the date of receipt of a copy of this order. Miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

June 30, 2014

LMV