

THE HON'BLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO.29341 OF 2023

ORDER:

The present writ petition is filed to declare the inaction of the respondent authorities in deleting the petitioner land in an extent of Ac.1.04 cents in Sy.No.494/7, situated in Kurmanathapuram Village, Santhabommali Mandal, Srikakulam District from, 22(A) (1)(c) list of Registration Act, 1908 as illegal, arbitrary, violative of Article 300-A of Constitution of India and for consequently directing the respondents not to interfere with the possession of the petitioner and pass such other orders.

2. Heard Sri B.Madhu, learned counsel for the petitioner, learned Assistant Government Pleader for Stamps & Registration appearing for respondent No.1, learned Assistant Government Pleader for Revenue appearing for respondent Nos.2 & 4 and learned Assistant Government Pleader for Endowments appearing for respondent No.3.

3. Sri B.Madhu, learned counsel for the petitioner, in elaboration to what has been stated in the affidavit contended that, the petitioner made a complaint through spandana *vide* Complaint No.SKL20230609479 dated 09.06.2023 to delete the aforesaid land from 22(A) (1) (c) list. Pursuant to the same, the

2nd respondent-District Collector without any enquiry sent an endorsement that the land is endowment land. Further, the petitioner issued legal notice dated 29.08.2023 to 2nd and 4th respondents and other officials to delete the land from 22(A) (1)(c) list, for which respondent No.2 directed respondent Nos.3 and 4 *vide* Rc.No.1166/2023/E1 dated 01.09.2023 to examine the revenue and endowments record and submit report for which no action is taken. The learned counsel for the petitioner further contended that, earlier when officials tried to interfere with permission of the subject land, he got filed a suit O.S.No.13/1985 which restrained the respondents from interfering with peaceful possession of the property. It would suffice for the time being that if a direction is given to the Tahsildar to consider and dispose of the petitioner's representation in accordance with law in a time bound manner.

4. On the other hand, Sri E.Kumar, learned Assistant Government Pleader for Revenue, requested to dispose of the Writ Petition in the above said lines.

5. Perused the material available on record.

6. Taking the submissions of learned counsel for the petitioner as well as learned Assistant Government Pleader for Revenue into consideration and without going into the merits of the case, as the petitioner has not sought any positive relief,

there is no purpose in keeping the Writ Petition pending, inviting counter. As such, this Court is inclined to dispose of the Writ Petition, at the admission stage, with the consent of both the learned counsel by passing the following order:

The Respondent authorities are directed to consider and dispose of the petitioner's spandana complaint dated 09.06.2023 in accordance with law by giving an opportunity of personal hearing to the petitioner within a period of three (03) months' from the date of receipt of a copy of this order. But till such disposal of the said application an order of *Status Quo* as on today shall be maintained with regard to the subject property.

7. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

Consequently, miscellaneous petitions, pending if any, shall stand closed.

JUSTICE RAVI CHEEMALAPATI

30th November, 2023
TJN