

HON'BLE SRI JUSTICE D.RAMESH

WRIT PETITION No. 22554 of 2020

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to issue a writ of *Mandamus* declaring the action of the 2nd respondent in not passing any orders in the revision petition filed by the petitioners, as illegal and arbitrary.

Heard learned counsel for the petitioners and learned Government Pleader for Revenue appearing for respondents.

With the consent of both the counsel, this writ petition is disposed of at the stage of admission.

The brief facts of the case are that the petitioners' father, late Gattu Chowdappa, during his life time, had purchased the land to an extent of Ac.5.50 cents situated in Sy.No.99-2, B.Pappuru village, Narpala Mandal, in the year 1973, from the original assignee's legal Heirs. The Original Assignee, who is none other than the father-in-law of the petitioner, had got the assigned land in question in the year 1956. It is stated that after death of the original assignee, his three sons decided to sell away the subject property to third parties in order to shift their families to Dharmavaram and the elder daughter-Chinnakka and her husband, Gattu Chowdappa agreed to purchased the subject property for valuable consideration on the ground that they are landless poor and the same was purchased by them under registered document No.200/1973, dated 28.04.1973 and the revenue authorities issued pattadar pass books and title deeds in

their favour. It is stated that the petitioners are the sons of the said Gattu Chowdappa and hence, they are the absolute owners of the subject property. It is further stated that after lapse of 45 years, respondents 5 to 8 filed an appeal before the 3rd respondent claiming the said property on the ground that are the legal heirs of the original assignee. The 3rd respondent called for report from the 4th respondent and without considering the report of the 4th respondent, the 3rd respondent by order dated 03.03.2020 allowed the appeal as per Sub-Section (1)3 of the Andhra Pradesh Assigned Lands (POT) Act, 1977. It is the case of the petitioners that the said section of law, is not applicable to the facts of their case, unless the provisions of Section 3(5) of the Act, are complied with. Questioning the order of the 3rd respondent, the petitioners preferred the revision before the 2nd respondent seeking stay of the said order.

The grievance of the petitioners is that the 2nd respondent neither consider the revision nor passed any order till date, and trying to issue pattadar pass books and title deeds in favour of the respondents 5 to 8 by cancelling the same, which was already issued in favour of the petitioners' father. Taking advantage of the same, the respondents 5 to 8 are interfering with the petitioners' peaceful possession and enjoyment over the subject property. Questioning the same, the present writ petition is filed.

During hearing, the learned Government Pleader appearing for respondents 1 to 4 submitted that the respondent authorities would consider and pass appropriate orders on the revision petition filed by the petitioners.

Having regard to the facts and circumstances of the case and considering the submissions, the 2nd respondent is directed to consider and dispose of the revision filed by the petitioners in accordance with law, after affording opportunity to all the affected persons/respondents 5 to 8 within a period of six weeks from the date of receipt of the copy of the order.

With the above observations, the writ petition is disposed of at the stage of admission. No costs.

Miscellaneous applications pending if any, shall stand closed.

01st December, 2020
Mjl/*

JUSTICE D.RAMESH