

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.19437 OF 2004

ORDER:

This writ petition is filed challenging the orders of the first respondent, dated 24.09.2003 in R.P.Nos.P1/598/2000 to 602/2002, confirming the orders passed by the second respondent in R.P.Nos.165/91 to 169/91, dated 01.12.1999 and the order of the third respondent in L.Dis.Nos.1091 to 1095, dated 03.01.1986.

The petitioners claim that they own land of an extent of Acs.2.87 cents (dry) situated in survey Nos.49/1, 49/2, 49/3 49/4 and 49/5 situated at K.Mamidivalasa Village, Regidi Amadalavasala Mandal, Srikakulam District. The said land was originally an estate village falling under Pullita Mamidipalli estate. The lands were ryoti lands and were in possession of the families of the petitioners. After the Estate Abolition Act, 1948, came into force, the settlement operations were introduced in respect of the said estate and the lands were classified as 'assessed waste dry'. The petitioners state that they were not aware of the classification, but after they came to know about classification, they filed claim petitions under Section 11 of the Estate Abolition Act for grant of ryotwari patta before the third respondent. The third respondent dismissed their claims, by his orders, dated 03.01.1986, on the ground that they were barred by limitation. Against the said orders, the petitioners preferred appeals to the second respondent and the second respondent came to the conclusion that the third respondent was not having power to condone and entertain belated claims for good and sufficient reasons at the time the applications were filed by the petitioners on 12.10.1985. After considering the conduct of the petitioners, he dismissed the appeals by order, dated 01.12.1999. Against the same, the petitioners preferred revisions before the first

respondent, who, by order, dated 24.09.2003 dismissed the revisions. Challenging the said orders, the above writ petition was filed.

It is not the case of the petitioners that they filed any application seeking condonation of delay by showing sufficient reasons. They filed applications on 12.10.1985 and at that time, the third respondent was not having any power to condone the delay. Later on, though the said power was available, the appellate authority, in its order observing that the petitioners have not shown good and sufficient reasons for the belated applications filed after lapse of eleven years dismissed the revisions. The first respondent/revisonal authority also dismissed the revisions with the following observations.

Heard the arguments and verified the records. A perusal of the lower court records shows that the revision petitioners herein have filed the claim petitions before the then Settlement Officer, Visakhapatnam on 11.12.1985 and that as the power of the Settlement Officers to entertain the claim petitions of the ryots were revoked by the Government in G.O.Ms.No.911, Revenue (JA) Dept., dated 15.06.1983, it is evident that the Settlement Officers had no power to entertain the Claim Petitions filed by the petitioners herein. Besides, the revision petitioners have not filed any additional documentary evidence in support of their claim to prove that they were lawfully inducted into possession of the schedule land by the landholder prior to 01.07.1945 and that the land is ryoti in nature. The only documentary evidence filed by the petitioners herein is a copy of Survey & Settlements Register of the village. A perusal of this document shows that the schedule lands are classified as "AWD" and "Anadheenam Punja" during the pre-abolition period. This document clearly shows that the revision petitioners have occupied the schedule land unauthorisedly during the pre-abolition period, which is no way helpful to establish the title of the petitioners herein over the schedule land prior to 01.07.1945. Therefore, the Special Commissioner & Director of Settlements rightly confirmed the orders passed by the Settlement Officer, Visakhapatnam and dismissed their Revisions in his common order passed in R.P.Nos.165/91 to 169/91, dated 01.12.1999. Against the orders passed by the Special Commissioner & Director of Settlements, the present Revisions have been filed. Even in the Revisions filed before this Court, the petitioners herein neither explained sufficient reasons to condone the abnormal delay occurred in filing of the Claim Petitions before the Settlement Officer, Visakhapatnam

nor filed any additional documentary evidence to establish their title over the schedule lands. Therefore, I see no reason to interfere with the orders passed by the Special Commissioner & Director of Settlements in R.P.No.165/91 to 169/91, dated 01.12.1999 and thus, the Revisions are dismissed.

The first respondent also came to the conclusion that the petitioners did not explain sufficient reasons to condone the abnormal delay occurred in filing the claim petitions and they failed to file any additional documentary evidence to establish their title over the schedule land. It was a composite order, considering the *prima facie* claim of the petitioners and also the point of limitation. Since the petitioners failed to give sufficient reasons even in the affidavit filed in the present writ petition, this Court is not inclined to entertain the present writ petition arising out of the proceedings dismissing the claims on the ground of limitation.

The writ petition is accordingly dismissed. Miscellaneous petitions, if any pending, in this writ petition, shall stand closed.

19.06.2017
pln

A.RAMALINGESWARA RAO, J

