

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 14332 of 2011

ORDER:

The writ petition is filed complaining the inaction on the part of the 1st respondent-authorities in mutating the records relating to the landed property of the petitioner to the extents of Ac.1.16 cents and Ac.0.45 cents situated in Sy.Nos.703 and 702/2, Jaladurgam Village, Peapully Mandal, Kurnool District respectively.

It is the case of the petitioner as set out in the writ affidavit that the petitioner is the owner of the property over the extents of Ac.1.16 cents and Ac.0.45 cents situated in Sy.Nos.703 and 702/2, Jaladurgam Village, Peapully Mandal, Kurnool District respectively. The petitioner's name was mutated in the revenue records and pattadar pass books have also been issued in his favour. While so, the petitioner came to know that the 2nd respondent executed a sale deed in favour of the 3rd respondent for the above said land of the petitioner. It is stated that the 2nd respondent has no manner of right to execute a sale deed in favour of the 3rd respondent with regard to the property of the petitioner. Questioning the said sale transaction, the petitioner had filed a suit in O.S.No.188 of 2011 and the same is pending before the Civil Court. The apprehension of the petitioner is that basing on the fraudulent sale deeds which were got executed by the 3rd respondent, the respondents 2 and 3 may approach the revenue authorities to record the name of the 3rd respondent in the revenue records and for issuance of pattadar pass books.

It is further stated that when the petitioner raised objections before the first respondent-Tahsildar about the sale transaction got made by the 3rd respondent, the 1st respondent informed the petitioner that if the petitioner approaches the 1st respondent with supporting

sale documents, necessary changes in the revenue records would be carried out as per the procedure contemplated under the provisions of A.P. Rights in Lands and Pattadar Pass Books Act (for short, "the Act").

A counter-affidavit has been filed by the 1st respondent-Tahsildar stating that neither the 2nd respondent nor the 3rd respondent had approached the 1st respondent seeking any changes in the revenue records. In the counter-affidavit, it has been further stated that if any application is made by the respondents 2 or 3 or any one, necessary notices would be issued to the petitioner and other interested parties and the procedure prescribed under the Act would be followed.

Heard Sri T. Nageswara Rao, learned counsel for the petitioner, learned Assistant Government Pleader for Revenue and Ms. I. Maamu Vani, learned counsel for the 2nd respondent.

In the light of the categorical stand taken by the 1st respondent that nothing would be done without issuing notices to the petitioner, there is nothing left for this Court to adjudicate in the matter. It may be noted that the respondents 2 and 3 are required to approach the revenue authorities seeking mutation in the revenue records by filing an application under Sections 4 and 5 of the Act. As and when the application is filed in terms of Sections 4 and 5 of the Act, a notice is required to be issued under Section 5(2) of the Act to the interested parties and an enquiry is required to be conducted under Section 5(2) of the Act. In the process of enquiry, the particulars with regard to ownership and the nature and the method of acquisition and the rights accrued there under are necessarily to be enquired into apart from the requirements of taking into consideration of the pending suit in O.S.No.188 of 2011. All these exercises are required to be undertaken under Sections 5 and 8 of the Act and Rule 9 of the A.P. Rights in Land and Pattadar Pass Books Rules (for short, "the Rules").

In the light of the various statutory safeguards which are

available and in the light of the categorical statement of the 1st respondent-Tahsildar, there is no requirement of this Court to pass any order except to record that the authorities are bound to follow the mandatory procedure as prescribed under the Act.

Accordingly, the writ petition is closed. No order as to costs. Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

CHALLA KODANDA RAM, J

Date:08.06.2015.
Gk.

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