

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No. 2142 of 2015

DATE: 20.02.2015

Between:

Athipatla Krishna
Petitioner

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And

The State of A.P. and four others

.. Respondents

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ORDER:-

The petitioner asserts that he is the absolute owner and possessor of the land admeasuring Ac.7.05 cents in Sy.No.102/2C situated in Dharanikota village, Amaravathi Mandal, Guntur District having acquired the same by virtue of a registered sale deed dated 28.06.2003 from one Dasaratha Ramaiah. While so, it is stated that the 5th respondent, without any right or title over the land in question and based on the alleged registered gift deed dated 21.06.2004 said to have been executed by the 4th respondent in her favour in respect of Ac.3.35 cents which forms part of the subject land, got mutated her name in the revenue records and obtained pattadar passbook and title deed in her favour. Then, the petitioner made representation dated 17.09.2014 requesting the

2nd respondent-District Collector to cancel the pattadar passbook and title deed issued in favour of the 5th respondent and grant the same in his favour. Now, the petitioner's grievance is that the 2nd respondent has neither considered and passed any orders on the representation nor issued pattadar passbook and title deed in his favour and deleted the name of the 5th respondent from the revenue records. Taking undue advantage of the situation, respondent Nos.4 and 5 are

making hectic efforts to alienate the property to the third parties. Hence, the present writ petition is filed seeking appropriate directions.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing for respondent Nos.1 to 3 and perused the material placed on record.

It may be noted that making representation would serve no useful purpose as the petitioner is required to invoke the jurisdiction of the authority under the Act. It is only when such jurisdiction is invoked, the authorities are required to consider the petition / representation in accordance with the rules in exercise of the quasi judicial power conferred by the statute. Inasmuch as an appropriate remedy is available to the petitioner in the facts of the present case to file a petition invoking revisional powers of the District Collector under Section 9 of the A.P. Rights in Land and Pattadar Passbooks Act, 1971 and the Rules made thereunder against grant of pattas in favour of private individuals, this Court is inclined to dispose of the writ petition with the following directions:

“The petitioner is directed to file a petition invoking revisional powers of the District Collector as contemplated under Section 9 of the A.P. Rights in Land and Pattadar Passbooks Act, 1971 and the Rules made thereunder for grant of pattadar passbook and title deed in his favour. As and when such petition is filed, the 2nd respondent – District Collector shall consider and pass appropriate orders thereon after issuing notices to the parties concerned.”

With the above direction, the writ petition is disposed of.
No order as to costs.

As a sequel to the disposal of the writ petition, Miscellaneous Petitions, if any pending, shall stand disposed

of as infructuous.

CHALLA KODANDA RAM,

J

20.02.2015

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