

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.2149 OF 2015

ORDER:

This writ petition is filed by the petitioners seeking to declare the action of respondent Nos.1 to 6 in proceeding to issue pattadar pass books in favour of the 7th respondent and his family members, in respect of the land to an extent of Ac.39.69 cents, located in various survey numbers in Katha No.398, Vellaturu Village, Ponnaluru Mandal, Prakasam District, Ongole, as illegal, arbitrary and contrary to the provisions of the A.P. Rights in Land and Pattadar Pass Books Act, 1971 (for short, 'the Act') and consequently to direct the 4th respondent not to issue pattadar pass books in respect of the above said land in favour of the 7th respondent and his family members till the partition of the subject property is effected legally among the family members of the 7th respondent and the petitioner herein.

The specific case of the petitioners is that the 7th respondent is the brother of the 1st petitioner and uncle of the 2nd petitioner. Petitioners 1, 2 and the 7th respondent are the legal heirs and successors of D. Venkataswamy, father of the 1st petitioner and the 7th respondent. Petitioners and the 7th respondent are entitled to succeed to the properties of D. Venkataswamy, and as on today, no partition was effected among the family members. The 7th respondent is an influential person and by exerting undue influence on respondents 4 to 6 on earlier occasion he got his name and his family members' names mutated in the revenue records and on coming to know about the same, the petitioners approached the 3rd respondent Revenue Divisional Officer, and on the instructions of the R.D.O, petitioners'

father's name was restored and even as on today, various properties under Katha No.398, Vellaturu Village, stand in the name of the 1st petitioner's father. Petitioners reliably learnt that under the influence of the 7th respondent, once again respondents 3 to 6 are in the process of meddling with the entries in the revenue records and issue pattas in the name of the 7th respondent and his family members. Petitioners also had specifically put on notice by submitting a representation to the Tahsildar, Ponnauru Mandal, Prakasam District, the Sub Collector, Kandukur, Village Revenue Officer by name Venugopala Reddy and the Revenue Inspector is helping the 7th respondent and openly declaring that by hook or crook the 7th respondent would be issued pattadar pass books and necessary changes in the revenue records would be made. Petitioners apprehend that the respondents may change their names in the revenue records. Hence, this writ petition.

Heard Mrs. Sunitha Thota, learned counsel representing Sri Janaki Ram Reddy, learned counsel appearing for the petitioners and Sri S. Srinivasa Rao, learned Assistant Government Pleader for respondent Nos.1 to 6. None appeared for the 7th respondent.

The learned counsel for the petitioners submits that the 7th respondent is a known rowdy sheeter in the area and the officials of the respondent Nos.1 to 6 are afraid of the 7th respondent. She further submits that the officials of the respondent Nos.1 to 6 are bent upon to change the revenue records.

The learned Assistant Government Pleader submits that it is only an apprehension of the petitioners and as on today, there is no cause of action and there is no material to support the contention of the petitioners that the officials of the respondents Nos.1 to 6 would not be taking into consideration the specific objections which have been placed on record by the petitioners. The learned counsel further

submits that it is open for the petitioners to make a claim before the official respondents or in the alternative approach the civil court for sorting out the issue in respect of their respective shares.

Having considered the rival submissions and in particular, the endorsement in Rc.DT.No.542/(A)/2014, dated 03.02.2015 signed by the Tahsildar, Ponnaluru, copy marked to the petitioners as well as to the 7th respondent, I am of the opinion that there is no basis for the petitioners to apprehend that the officials of respondent Nos.1 to 6 would not consider the *interse* disputes and would act unilaterally. It is needless to mention that either the petitioners or the 7th respondent need to make an application under Section 4 of the Act read with relevant rules seeking their names to be incorporated in the revenue records at which point of time, the Mandal Revenue Officer, Pannaluru Mandal, Prakasam District, is required to conduct an enquiry. It is only when there are no disputes and there is a clear agreement among the successors in the interest of late Sri Dondapati Venkataswamy, the Revenue Officials can further proceed to make necessary changes in the revenue records and issue respective pattadar pass books as per their endorsement. In the event of the dispute in terms of the Rule 9 of the A.P. Rights in Land & Pattadar Pass Books Rules, 1989, the Mandal Revenue Officer shall be mandated to direct the parties to sort out their disputes in Civil Court and approach him back leaving the entries as existing as on the date of submitting the application intact. In that view of the matter, I do not see any reasons to entertain the writ petition at this stage.

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

JUSTICE CHALLA KODANDA RAM

Date:05.02.2015

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THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

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