

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.37154 OF 2016

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing for the respondents. With their consent, the present writ petition is disposed of at the admission stage.

2. The present writ petition came to be filed with the following prayer:

“to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the respondents in issuing pattadar passbooks and title deeds to the land of the petitioner bearing Sy.No.256/AA to an extent of Ac.4-09 gts and in Sy.No.257/AA to an extent of Ac.7-15 gts situated in Vaddeman Village, Bijinpally Mandal, Mahabubnagar District, Telangana State as arbitrary, illegal, capricious, violative and contrary to Sections 4 and 5 of The Andhra Pradesh Rights in Land and Pattadar Passbooks Act, 1971 and The Andhra Pradesh Rights in Land and Pattadar Passbooks Rules, 1989 apart from being violative of Article 14, 19, 21 and 300-A of the Constitution of India.”

3. The averments in the affidavit filed in support of the writ petition would show the petitioner claims to be in possession of the land admeasuring Ac.4.09 Gts., in Sy.No.256/AA and an extent of Ac.7.15 Gts., in Sy.No.257/AA situated in Vaddeman Village, Bijinpally Mandal, Mahabubnagar District. It is averred that his father late Krishnaiah is a *bona fide* purchaser of the said land by virtue of the registered sale deed dated 19.02.1960 and since then, they have been in possession

of the same. It is the case of the petitioner that the name of his father was reflected in the pahanies and in the year, 2007, he made a written representation to the 2nd respondent - District Collector, Mahabubnagar District, stating that some persons in collusion with revenue authorities have created fake registered documents and got changed their names in the records with *mala fide* intention. The petitioner also claims to have made a representation dated 20.09.2016 to the 2nd respondent while marking copies to respondents 3 and 4 for issuance of pattadar passbooks in his favour in respect of the lands in dispute by enclosing a copy of the registered sale deed, but the same was not considered till date. Hence, he questions the procedure followed by the authority in mutating the names of the third persons by deleting the name of the father of the petitioner in the revenue records.

4. Though various grounds are raised, learned counsel for the petitioner seeks a direction to the 2nd respondent - District Collector, Mahabubnagar, to consider the representation dated 20.09.2016 made by the petitioner, in accordance with law.

5. Learned Government Pleader for Revenue strongly opposed the petition contending that the question of considering the representation made by the petitioner would not arise, as the statute provides a remedy for correction of fake entries alleged to have been made by the Tahsildar or the Revenue Divisional Officer, as the case may be, and making of a representation to the District Collector may not be of any help to the petitioner.

6. A perusal of the provisions of the Andhra Pradesh Rights in Land and Pattadar Passbooks Act, 1971, statute provides a remedy for the petitioner to get the alleged fake or false entries rectified by approaching the appropriate authority. The District Collector may not be in a position to do so basing on a representation.

7. It is to be noted that in the representation dated 20.09.2016, it is stated that some third persons in collusion with revenue authorities have created fake registered documents. That being the position, the main issue that falls for consideration is with regard to the title over the property, which may require to be determined by the Civil Court.

Hence, this Court is of the view that representation, which is alleged to have been made by the petitioner to the 2nd respondent in the year 2007 seeking correction of entries in the revenue records, may not be a proper and appropriate remedy.

8. Having regard to the above, the Writ Petition is disposed of directing the petitioner to avail appropriate remedy available under law.

Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

Date:08.11.2016
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