

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA
REDDY**

WRIT PETITION No.1084 of 2016

-
18.01.2016

Between:

J.V.S.Koteswari and others

.. Petitioners

and

The State of Andhra Pradesh,
represented by its Principal Secretary,
Endowments Department,
Hyderabad and others

.. Respondents

Counsel for the petitioners: Mr.G.V.S.Mehar Kumar

Counsel for the respondents: Assistant Government Pleader
for Endowments (AP)

-
The Court made the following:

-

-

-

-

-

-

-

-

-

-

ORDER:

This writ petition is filed for a *mandamus* to declare the inaction of respondent No.3 in considering the petitioners' representation, dated 04.12.2015, for deleting the land admeasuring Acs.3.99 cents in survey No.496/1 of Vinukonda Town, Guntur District, (for short 'subject property') from the list of Endowment properties, as illegal and arbitrary.

The petitioners pleaded that the brother of their grandfather's mother purchased the subject property from one Dasari Atchamma and others for a sale consideration of Rs.1,500/- on 29.07.1953, that the said vendors have purchased the said property from one Dasari Manohari in the year 1940, that the petitioners' grandfather inherited the said property from his mother and that the petitioners along with their mother, in turn, acquired title over the subject property through a Will executed by their grandfather. The petitioners further pleaded that they have partitioned the subject property along with their mother on 12.11.2015, as per which, each one of them has acquired right over Ac.0.50 cents of land, that on coming to know that respondent No.4 has included the subject property in the list of Endowment properties, they have approached the Tahsildar, Vinukonda Mandal, for issue of pattadar passbooks in their favour and that they have also made representation, dated 04.12.2015, to respondent No.3 for deleting the subject property from the said list. As no action has been taken by respondent No.3, the petitioners filed this writ petition.

From the perusal of the pleadings of the petitioners as well as the record, it is revealed that both respondent No.4 as well as the petitioners have made separate applications before the Tahsildar, Vinukonda, for issue of pattadar passbooks in their respective favour. In this fact situation, this Court is of the opinion that it would be appropriate if the Tahsildar, Vinukonda, holds a detailed enquiry under

Section 5 of the Andhra Pradesh Rights in Land and Pattadar Passbooks Act, 1971 (for short 'the Act'), and takes a decision as to who among the petitioners and respondent No.4 are entitled to the mutation of the names in the revenue record and issue of pattadar passbooks and title deeds. In these circumstances, this Court feels it necessary and appropriate to *suo motu* implead the Tahsildar, Vinukonda, Guntur District, as respondent No.5. It is accordingly ordered.

Respondent No.5 is directed to hold a detailed enquiry, after issuing notice to the petitioners as well as respondent No.4, take a decision under Section 5 of the Act and communicate the same to both the parties, within a period of two months from the date of receipt of a copy of this order.

Subject to the above directions, the Writ Petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P.No.1335 of 2015 filed by the petitioners for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

18th January, 2016
GHN