

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.29589 OF 2016

ORDER:

Heard the petitioner/party-in-person and the learned Government Pleader for Revenue appearing for respondents. With consent of the counsel appearing for both sides, the present writ petition is disposed of at the admission stage.

2. Since this Court is not going into the merits of the case, giving notice to respondent No.6 may not be necessary.

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

“to issue a writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents 2 to 5 in deleting the name of the petitioner in the revenue records of pattadar pass book, title deed, 1-B Register and Adangal and including the name of the 6th respondent in the lands an extent of Ac.3-41 cents in Sy.No.45, situated at Somireddipalli Grama Polam, B.Mattam Mandal, YSR District as illegal, arbitrary improper and violation of Articles 14, 21 and 300A of the Constitution of India and consequently direct the Respondents to issue pattadar pass books, title deeds, 1-B Register and Pahanies in favour of the petitioner in respect of the above mentioned said lands”

4 A reading of the material placed before the Court and also the instructions received by the learned Government Pleader for Revenue would show that on 06.10.1974 the father of the petitioner

leased out the land to respondent No.6. On 19.07.2006 a registered sale deed was executed by the father of the petitioner in favour of respondent No.6 after receiving sale consideration. Thereafter, the father of the petitioner died 25.10.2013. After the death of the father of the petitioner, the petitioner is alleged to have made a representation on 27.07.2015 complaining about the fraud alleged to have been played by the 6th respondent in obtaining the sale deed. In the meantime, respondent No.6 filed Original Suit seeking permanent injunction and in the said suit, he also filed an Interlocutory Application seeking temporary injunction, which was granted by the Court below.

5. It is to be noted that there is a dispute with regard to title between the petitioner and the 6th respondent. That being the position, it may not be proper to go into the title or direct the authorities to enter the name of the petitioner in the revenue records.

6. Hence the Writ Petition is disposed of giving liberty to the petitioner to work out his remedies in the Civil Court.

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:21.10.2016
INL