

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WP No.19588 of 2016

ORDER:

This writ petition is filed seeking to declare the endorsement in Rc.No.77/2014/SA, dated 16-03-2016 issued by the 4th respondent-Tahsildar, Padmanabham mandal, Visakhapatnam District, as being illegal, arbitrary and to set aside the same and consequently direct the 3rd respondent to issue pattadar pass books and title deeds in respect of the petitioner's lands in question situated at Korada Village of Padmanabham mandal.

2. Heard the petitioner-party-in-person and the learned Asst. Government Pleader for Revenue.

3. The petitioner party-in-person states that the 4th respondent has not considered his case in the proper perspective and issue the pattadar pass books and title deeds in his favour in respect of the lands in question. On the other hand, learned Asst. Government Pleader for Revenue submits that the case of the petitioner could not be considered as there are rival claims in respect of the lands in question and the petitioner is not in possession of the lands and, therefore, the case of the petitioner could not be considered and was advised to approach the civil Court for appropriate relief.

4. Admittedly, a similar order as the one now impugned in the writ petition was passed earlier by the 4th respondent against which the petitioner preferred appeal and the appellate authority allowed the matter and remanded for fresh enquiry and

it is pursuant thereto, the 4th respondent once again conducted enquiry into the matter and passed the impugned endorsement.

5. That being the situation, it is open for the petitioner to either once again file appeal before the appellate authority against the order impugned in this writ petition or alternatively can approach the civil Court seeking for a declaration of his title to the lands in question, if so advised.

6. Subject to the above, the writ petition is disposed of. Miscellaneous petitions, if any pending in this case are also disposed of. There shall be no order as to costs.

Dated:16-03-2017
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A.RAJASHEKER REDDY, J

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