

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

**THURSDAY, THE FOURTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND SEVENTEEN**

**Present
HON'BLE SRI JUSTICE P.NAVEEN RAO**

WRIT PETITION No.31080 of 2017

Between:

Madhili Bhaskar
S/o.Ramanjeneyulu,
Aged about 23 years,
Occ;Agriculture,
R/o.Thotivaripalli, H/o.Reddipalli,
Nallamada Mandal, Anantapur District.

.. Petitioner

AND

State of Andhra Pradesh,
Rep. by its Pricipal Secretary Revenue,
Secretariat Building, Amaravathi
and 3 others

.. Respondents

The Court made the following:

HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.31080 of 2017****ORDER:**

The land to an extent of Ac.3.35 cents in S.No.1894-3 and Ac.1.62 cents in S.No.1542-1 situated at Reddipalli Revenue Village, Nallamada Mandal were assigned to a person by name Mallappa. The petitioner claims that he is the adopted son of assignee and therefore his name should be mutated in the revenue records. Petitioner also filed W.P.No.13694 of 2017 praying to issue pattadar passbook and title deed in respect of the subject land. This Court having observed that no application was being made by the petitioner, disposed of the said writ petition granting liberty to the petitioner to make an application. Accordingly, application was filed by the petitioner. The Tahsildar, on due consideration of the application, rejected the request of the petitioner to mutate his name in the revenue records by assigning three reasons namely, (1) Court injunction (2) petitioner is not descendent of Mallappa (3) petitioner cannot be classified as a land less poor person for grant of said assignment. The Tahsildar further recommended for cancellation of D form patta.

2. Against decision of the Tahsildar, appeal lies.

3. Learned counsel for the petitioner contends that there is no injunction order of Court in favour of the petitioner.

4. The record would disclose that a decree was passed in favour of the petitioner. However, the decree shows that there is an *inter se* dispute between the petitioner and some private individuals. There was contest by the said individuals. The said individuals are not made parties in this writ petition.

5. Even though no injunction appears to have been granted by the competent Court, two other matters on which decision made by Tahsildar require consideration, on verification of records. Thus, the petitioner ought to have availed the remedy of appeal challenging the decision of Tahsildar on those two aspects.

6. The only reason assigned by the petitioner to institute the writ petition without availing the remedy of appeal is that the impugned orders are passed at the instance of the ruling party MLA. It is seen from the affidavit that a vague averment is made against MLA and this Court cannot go into those averments. Moreover, the said MLA is not made a party in this writ petition, against whom the allegations are made.

7. Since the petitioner has an effective and efficacious alternative remedy, the writ petition is disposed of granting liberty to the petitioner to avail remedy of appeal. If such an appeal is preferred within two (02) weeks from today along with an application for grant of stay, the same shall be

considered by the appellate authority within two (02) weeks from the date of filing of such application. Till such time, the D-Form patta granted in favour of the petitioner shall not be cancelled. If no such application is made within the time specified, it is open for the respondent authorities to take action in accordance with law. There shall be no order as to costs.

8. Miscellaneous petitions, if any, pending in this petition shall stand close.

P.NAVEEN RAO, J

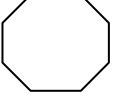
Date: 14.09.2017

Note:

CC by 3 days

(B/o) dv





HON'BLE SRI JUSTICE P.NAVEEN RAO



WRIT PETITION No.31080 of 2017

Date:14.09.2017

dv