

HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.12653 OF 2017

ORDER:

The petitioner prays for Mandamus declaring the action of respondent herein in issuing pattadar passbook and title deeds to respondents 4 and 5 for the land in Sy.No.105/A admeasuring Ac.0-22 gts at Munaganoor Village, Hayathnagar Mandal, Ranga Reddy District in spite of the objections dated 08.03.2016, as arbitrary and illegal.

The petitioner challenges the pattadar passbook granted in favour of respondents 4 and 5. The change of entries in 1B Register, incorporation of entries, issue of pattadar passbook etc., are covered by the A.P. Rights in Land and Pattadar Passbooks Act, 1971 (for short 'the Act'). The petitioner filed O.S.No.820 of 2016 in the Court of the IV-Additional District Judge, Ranga Reddy at LB.Nagar for the relief of declaration and recovery of possession. Respondents 4 and 5 are shown as defendants 1 and 2 in the suit. According to Section 8(2) of the Act, the mutation, maintenance and continuation of record of rights is subject to the decision of a competent civil Court. Therefore, the writ remedy against the issue of pattadar passbook is firstly misconceived and secondly if the petitioner has reason to complain that issuing pattadar passbook/title deed, without actual mutation, the name of applicant or issuing pattadar passbook/title deed contrary to the recorded entries, the appeal may not be maintainable against mere issuance of pattadar passbook/title deed. The aggrieved party, if so advised, can avail the remedy of revision under

Section 9 of the Act before the District Collector to ensure that the entries in 1B Register are maintained in accordance with the right, title and possession of a person and also that pattadar passbooks are issued only after mutating the name of a person eligible in this behalf. The petitioner, if so advised, is given liberty to work out the remedy of revision before the District Collector against patta issued in favour of respondents 4 and 5 on the ground that a suit is already pending. This Court is of the view that effective remedy under the Act is not pursued. Writ fails.

The writ petition is, accordingly, dismissed with the above observations. There shall be no order as to costs.

Consequently, pending miscellaneous petitions, if any, stand closed.



S.V. BHATT, J

06th June, 2017

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