THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.26280 of 2017

DATED : 07.08.2017

Between :

Gade Krishna Murthy S/o.Late Koti Reddy,
Hindu, Aged about 71 yrs,
Occu : Mandal Parishadh Development Officer (Retired),
R/o.D.No.1-586, Vittamrajupalli/Brahman Palli,
Hamlet of Narapareddipalli village,
Vinukonda Mandal, Guntur District.
.. Petitioner

And

The State of Andhra Pradesh,
Rep., by its Principal Secretary,
Revenue Department,
Secretariat Building,
Amaravati at Velagapudi,
Guntur & another.
.. Respondents

This court made the following :

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ORDER :

Heard.

2. Petitioner claims that his father acquired land to an extent of Ac.2.30 cents in Sy.No.32/32B of Pitchukalapalem Village, Savalyapuram Mandal, Vinukonda Division, Narasaraopeta Revenue District, Guntur District, an extent of Ac.2.01 cents in Sy.No.261-6A of Kondrumutla Village, Vinukonda Mandal, an extent of Ac.1.90 cents in Sy.No.32/27B of Pitchukulapalem Village and an extent of Ac.2.30 cents in Sy.No.169 of Brahmanapalli Village, Vinukonda Mandal, Guntur District. After the demise of his father there is partition among his family members and through partition deed dated 02.07.1996, petitioner was inducted into possession and enjoyment of the properties respectively and there was subsequent revision in the partition. Consequent thereon, petitioner submitted application before the Tahsildar-2nd respondent for issuance of pattedar pass books and title deeds on various dates in the year 2013 and 2014. Petitioner seems to have been continuously pursuing his request for correction in the revenue records. By the impugned endorsement dated 29.05.2017 petitioner was informed that as there is civil dispute pending between the brothers, he was directed to resolve those disputes in civil Court. Challenging the same, this writ petition is filed.

3. Under Section 5 of the Andhra Pradesh Rights in Land and Pattedar Pass Books Act, 1971 (for short 'the Act, 1971') a request can be made for amendment/updating of record. As and when such application is made, the Mandal Revenue Officer, is competent to examine the same and pass appropriate orders, whether accepting the request or rejecting the request.

4. According to Sub-Section 5 of Section 5 of the Act, against the said order of MRO for making amendment in the records of revenue or refusing to make such amendment, an appeal would lie to the Revenue Divisional Officer and without exhausting the said remedy of appeal, this writ petition is filed.

5. The decision communicated to the petitioner in the form of an endorsement also amounts to a decision made by the Mandal Revenue Officer. In accordance with Section 5 of the Act, 1971 as the appeal shall lie, this Court is not inclined to entertain the writ petition even before the petitioner has availed the remedy available under the Act, 1971.

6. Thus, leaving it open to the petitioner to avail the remedy of appeal under Section 5 (5) of the Act, 1971 the writ petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO,J

7th August, 2017
Rds