

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.27176 OF 2017

DATED : 16.08.2017

Between :

Chilla Lakshmamma W/o.Late Chilla Meera Saheb,
Aged about 79 yrs, Occu : Housewife,
R/o.Bairavalanka Village,
Gogullanka Gram Panchayat, Guthinadeevi Revenue Village,
I.Polavaram Mandal, East Godavari District,
Andhra Pradesh & others.

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Petitioners

And

The State of Andhra Pradesh,
Rep., by its Principal Secretary,
Department of Revenue,
A.P. Secretariat Buildings, Velagapudi,
Thullur Mandal, Amaravathi, Guntur District & others.

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Respondents



This court made the following :

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ORDER :

Heard.

2. According to the petitioners, D-Form patta was granted to the husband of the first petitioner in the year 1970. After his demise petitioners were in possession and enjoyment of lands to an extent of Ac.0-95 cents in Sy.No.601/13 and Ac.0-95 cents in Sy.No.601/14 of Bhairavalanka Village, Gogullanka Gram Panchayat, Guthinadeevi Revenue Village, I.Polavaram Mandal, East Godavari District. D-Form pattas were also granted to seven other persons along with the husband of the first petitioner. While so, petitioners now allege that the revenue records are changed and different names are reflected in the online revenue records, contrary to the D-Form patta granted to the husband of the first petitioner. No notice or opportunity was given to the petitioners before undertaking such corrections. Petitioners also allege of encroachment by the neighbours and pray for conducting of survey of the assignments made in the year 1970. Alleging so, a representation was made to the District Collector, on 11.07.2017 and without waiting for the response of the District Collector, this writ petition is filed.

3. A bare perusal of the averments made in the affidavit and the documents enclosed would show that there is change of entries in the revenue records and encroachment. If petitioners have grievance regarding change in the revenue records by the Tahsildar without following due process, they have to avail the remedy of appeal before the Revenue Divisional Officer, alleging illegal

corrections in the revenue records. It is not very clear from a reading of the representation and the pleadings in the affidavit, but it appears, there was consequential encroachment of the land assigned to them. If the assignment granted to the petitioners subsists and there is illegal encroachment, petitioners have appropriate remedy available under the Andhra Pradesh Assigned Lands (Prohibition of Transfer) Act, 1977 (for short 'the Act, 1977') and that remedy is not availed. When these issues are governed by the statutory provisions, the question of making representation to the District Collector and alleging inaction on the said representation is not valid and on that ground, the writ petition cannot be entertained.

4. Thus, leaving it open to the petitioners to work out their remedies as available in law, aggrieved by the changes made in revenue records, as well as the encroachment of land assigned to them, this writ petition is dismissed. There shall be no order as to costs.

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

16th August, 2017
Rds

P.NAVEEN RAO,J