

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.2803 OF 2017

ORDER:

This writ petition is filed stating that petitioner's father died intestate on 19.05.2003 and subsequently petitioner's mother died on 04.08.2013; that during life time of petitioner's parents the properties belonging to the joint family were divided about 20 years back and an extent of Ac.0.48 cents in Survey No.52/8 and an extent of Ac.1.00 cents in Survey No.53/1A of Surendranagaram Revenue Village, Karvetinagaram Mandal, Sri Balaji Registration District of Chittoor District, fell to petitioner's share and that petitioner and his brothers were put in separate possession of the properties allotted to their shares. Subsequently, petitioner migrated from Surendranagaram Village to Puttur Town for the purpose of education of his children, as such, he requested the 5th respondent to cultivate the lands fell to his share, as there is close intimacy between petitioner's family and the family of 5th respondent. Accordingly, the 5th respondent was cultivating the aforesaid lands and was giving petitioner's share in the produce every year. While so, in the month of August, 2015 the petitioner came to know that the 5th respondent has obtained pass books and title deeds in respect of subject lands by misrepresentation and with the help of fabricated documents. As such, the petitioner immediately got issued a legal notice to the 5th respondent as

well as to the respondents 3 and 4 requesting the 5th respondent to surrender the pass book and title deed to the respondent No.4 and also requested the 4th respondent to rectify the entries in the revenue records. Thereafter, the 5th respondent replied to the said notice stating that he purchased the said lands through agreement of sale dated 21.08.1997 executed by the petitioner. The petitioner denies the execution of agreement of sale in favour of 5th respondent. Aggrieved by the action of the 4th respondent in carrying out the changes in the revenue records without notice to the petitioner, present writ petition is filed.

The 4th respondent filed counter stating that the 5th respondent was issued pattadar pass books about 19 years back and that if petitioner has any grievance in that regard, he could have filed appeal against issuance of the same. He also stated that petitioner's son filed OS.No.4/2016 against the petitioner and 5th respondent for partition of the subject land on the file of X Additional District Judge of Tirupati.

Learned Assistant Government Pleader for Revenue also submits that inspite of filing appeal, petitioner has straight away filed the writ petition.

The petitioner did not file any reply affidavit disputing the allegations made against him by the 4th respondent.

It is to be seen that in the counter the 4th respondent asserted that pattadar pass books were issued about 19 years back for which no reply affidavit is filed by the petitioner disputing the same. Further, the suit filed by the petitioner's son against petitioner and 5th respondent regarding subject land is pending. This court cannot go into the disputed questions of fact. More so, petitioner has alternative remedy against the mutation and issuance of pattadar pass book sand title deeds by way of filing an appeal or revision under A.P.Rights in Land and Pattadar Pass Books Act, 1971. In view of the same, I do not see any reason to entertain the writ petition.

Accordingly, the writ petition is dismissed. No order as to costs.

As a sequel thereto, miscellaneous applications, if any, pending, shall stand closed.

27.02.2017
tk

A.RAJASHEKER REDDY, J