

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.704 OF 2017

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing for the respondents. With their consent, the present writ petition is disposed of at the admission stage.

2. Since this Court is not going into the merits of the case, it may not be necessary to issue notice to the 4th respondent.

3. The present writ petition came to be filed with the following prayer:

“to issue an appropriate Writ, order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the inaction of the 2nd respondent in not disposing of the petition filed by the petitioner dt. 14.09.2015 even after receipt of the report from the 3rd respondent pursuant to the Lr.No.B/4210/2015, dt.01.10.2015 as being illegal, arbitrary and unjust.”

4. The averments in the affidavit filed in support of the writ petition would show that the petitioner claims to be the absolute owner and possessor of the land in Sy.Nos.459/E/1, 474/A1, 475/A1, admeasuring Acs.2.00 Gts., Ac.0.16 Gts., and Ac.1.11 Gts., respectively situated at Kammagudem (Chinnapura), Kattanguru Mandal, Nalgonda District, having acquired the same by virtue of two registered Gift Settlement Deeds bearing Doc.Nos.1667/2011 and 1671/2011 dated 25.04.2011 and 26.04.2011 respectively

executed by his father Sri Balla Maraiah, who is owner of the said land. It is said that the petitioner was issued Pattadar Pass Books and title deeds and his name was also mutated in the revenue records. While so, the 4th respondent, who is wife of his brother, with a *mala fide* intention, created a fake document in respect of the land referred to above, made an application before the 3rd respondent- Tahsildar and obtained pattadar passbooks and title deeds in her name.

It is the case of the petitioner that the 3rd respondent without conducting any enquiry and without verifying the documents submitted by the 4th respondent, issued pattadar passbooks and title deeds in her favour. Taking advantage of those false documents, the 4th respondent in interfering with the peaceful possession and enjoyment of the petitioner over the subject property. In view of the same, the petitioner submitted a representation dated 14.09.2015 before the 2nd respondent-RDO seeking necessary action. The said representation was forwarded to the 3rd respondent, who conducted enquiry into the matter and submitted a report holding that the petitioner is in possession of the property and recommended cancellation of pattadar passbooks and title deeds issued in favour of the 4th respondent. It is said that even after receipt of the report from the 3rd respondent, no action has been taken by the 2nd respondent till date.

5. Though various grounds are raised in the writ petition, learned counsel for the petitioner would restrict his prayer seeking a direction to the 2nd respondent to dispose of the representation dated 14.09.2015 made by the petitioner.

6. Learned Government Pleader for Revenue would submit that the primary question that falls for consideration is that whether the Revenue Divisional Officer, has jurisdiction to entertain the application made by the petitioner questioning the issuance of pattadar pass books in favour of the 4th respondent.

7. Be that as it may, since the 2nd respondent - RDO has called for report from the 3rd respondent – Tahsildar basing on the representation made by the petitioner, he shall take action, in accordance with law, keeping in view the judgment of this Court in Vutukuru Subba Rao v. State of Andhra Pradesh and others¹, at the earliest.

8. Accordingly, the Writ Petition is disposed of.

Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

Date:05.01.2017
INL

¹ 2014(4) ALD 205