

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.33692 OF 2017

Dated:10.10.2017

Between:

Kallakuri Babu Rao, S/o. Ramudu,
Age 56 years, Occ: Cultivation,
R.No.3-6(A), Konchada Village,
Ponduru Mandal, Srikakulam District .. Petitioner

And

The State of Andhra Pradesh, Rep., by its
Principal Secretary, Revenue Department,
Secretariat Buildings, Velagapudi,
Amaravathi, Andhra Pradesh and another .. Respondents



The Court made the following:

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ORDER:

Heard.

2. Petitioner alleges that he succeeded the land to an extent of Ac.0.89 cents in Survey No.51-11B of Konchada Village, Ponduru Mandal, Srikakulam District. He claims that illegally third party names are entered in the revenue records. He further claims that the third parties have encroached into the property owned by him. Alleging illegal entry of the names of the third parties in the revenue records, the petitioner approached the authorities for mutation of his name in the revenue records and for issuance of pattadar passbook and title deeds by submitting an application in Form VI-A. Several Writ Petitions were filed on the issue, but they were not answered. Petitioner earlier filed W.P.No.8912 of 2016 seeking mutation of his name in the revenue records by deleting the names of third parties. The said Writ Petition was disposed of directing the Tahsildar concerned to pass orders on the petitioner's application dated 29.05.2015. While so, in March, 2017 petitioner approached the Sub-Registrar informing that the land is in dispute and cases are pending before the High Court. Petitioner also contends that O.S.No.2 of 2016 is pending on the file of Senior Civil Judge, Rajam, and injunction was granted in I.A.No.12 of 2016. Petitioner filed implead petition in I.A.No.253 of 2017 and the same is still pending consideration of the trial Court. In these circumstances, petitioner filed W.P.No.20092 of 2017 praying to issue a writ of mandamus in declaring the inaction of respondents 3 to 6 and to mutate his name in the revenue records by deleting

the names of the third parties. However, petitioner withdrew the said Writ Petition seeking liberty to file a representation/appeal before the Revenue Divisional Officer, aggrieved by alleged illegal interference. The said Writ Petition was dismissed as withdrawn granting liberty as sought for by the petitioner by order dated 21.06.2017. Petitioner then filed revision before the Revenue Divisional Officer and alleging inaction in disposing of the said revision, the present Writ Petition is filed.

3. It is seen from the record that the grievance of the petitioner is against mutation of the names of third parties in the revenue records in respect of the land belonging to him. Against such mutation of the Tahsildar, an appeal shall lie before the Revenue Divisional Officer and against the decision of the Revenue Divisional Officer, a revision is maintainable before the Joint Collector under Section 9 of the Andhra Pradesh Rights in Land and Pattadar Passbooks Act, 1971 (for short, 'the Act'), whereas in the instant case, petitioner directly filed revision before the Revenue Divisional Officer under Section 9 of the Act. Under Section 9 of the Act, no such revision would lie before the Revenue Divisional Officer. Since no such revision would lie, it cannot be said that the Revenue Divisional Officer acted illegally in not considering the revision.

4. In fact, learned Government Pleader for Revenue contends that no such revision is filed before the Revenue Divisional Officer. Even assuming that the revision is filed, the Court is not inclined to grant the relief as sought for by the petitioner, since no such revision is maintainable.

5. It is further noticed that the prayer sought in the present Writ Petition is similar to the prayer sought in the earlier Writ Petition. Petitioner does not seek the relief of declaration of inaction of the Revenue Divisional Officer in considering the revision as illegal, but seeks the same prayer as sought in the earlier Writ Petition. In my opinion, such approach is deprecated. The petitioner cannot invoke the jurisdiction of this Court repeatedly on the same prayer, moreover, after withdrawing the earlier Writ Petition with liberty to prefer an appeal/revision before the Revenue Divisional Officer.

6. The Writ Petition is accordingly dismissed granting liberty to the petitioner to work out his remedies as available in law. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in the Writ Petition shall stand closed.

Date:10.10.2017

KH

P. NAVEEN RAO, J