

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.25882 OF 2017

ORDER:

1. Petitioner claims that he and his mother succeeded the land admeasuring Ac.1.00 in Survey No.437/5 situated at Tiruchanur Village, Tirupathi Rural Mandal. According to the petitioner, after due enquiry, the Inam Deputy Tahsildar-fourth respondent herein issued ryotwari patta in favour of the petitioner and his mother dated 26.10.1979 and since then, they have been in peaceful possession and enjoyment. After the death of the petitioner's mother on 17.08.2012, the petitioner became the owner of the entire extent and therefore, he filed an application before the second respondent to mutate his name in the revenue records. Alleging inaction, the petitioner filed WP.No.12854 of 2016 which was disposed of on 19.04.2016 directing the petitioner to file an application in the Form 6-A of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 ("the Act, 1971" for brevity). Accordingly, the petitioner made application before the Tahsildar, Tirupathi Rural Mandal, Chittoor District. The said application was considered and the endorsement dated 23.05.2017 is impugned in the present Writ Petition.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

3. The learned counsel for petitioner would contend that the petitioner's claim for mutation of his name in the revenue records was not considered. According to the second

respondent, the petitioner has to file his claim before the Inams Deputy Tahsildar, Chittoor by producing documentary evidence in support of his right and title over the subject land. After due enquiry, the said authority under Section 3 of the Andhra Pradesh Inams (Abolition and Conversion into Ryotawari) Act, 1956 may pass appropriate orders granting ryotwari patta or rejecting the claim. Only after such claims are enquired and patta is granted, the grantee has to approach the Tahsildar, Tirupathi Rural Mandal by filing application for mutation in the revenue records and produce the ryotwari patta granted to the claimant.

4. In terms of the endorsement dated 23.05.2017, the petitioner has to approach the Inam Deputy Tahsildar, on the contrary, if the petitioner is not satisfied by the view expressed by the Tahsildar, he has an efficacious remedy of appeal under Section 5(5) of the Act, 1971, challenging the said decision. Without availing the said remedy or without approaching the Inam Deputy Tahsildar, the petitioner filed the present Writ Petition. I am of the considered opinion that the appeal under Section 5(5) of the Act, 1971 is an effective and efficacious remedy available to the petitioner. Therefore, this Court is not inclined to entertain the Writ Petition.

5. The Writ Petition is disposed of leaving it open to the petitioner to either approach the Inam Deputy Tahsildar, Chittoor, as suggested in the impugned endorsement or avail remedy of appeal under Section 5(5) of the Act, 1971. It is needless to state that if such appeal is preferred; the appellate authority shall consider the same and disposed of, as

expeditiously as possible, preferably within four (4) months from the date of receipt of a copy of this order. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(P.NAVEEN RAO, J)

4th September 2017
RRB

