

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.35181 OF 2017

DATED : 24.10.2017

Between :

Repudi Eemeliamma W/o.Late Andhraiah,
Age 55 yrs, Occu : Agriculture,
R/o.Venkatapalem Village, Tulluru Mandal,
Guntur District.

.. Petitioner

And

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

... Respondents



This court made the following :

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ORDER :

Heard.

2. According to the petitioner, petitioner's sister-in-law by name Puli Nirmala Kumari, and her husband colluded with the revenue authorities and obtained fake pattedar pass books and title deeds over the land to an extent of Ac.0-82 cents in Sy.No.119/1 of Krishnayapalem Village, Guntur District. According to the petitioner, she holds land to an extent of Ac.0-60 cents in Sy.No.120/2 of Krishnayapalem Village, Mangalagiri Mandal, Guntur District. The representation made by the petitioner to Collector and District Magistrate was forwarded to the Revenue Divisional Officer and treated it as an appeal. According to the petitioner, the subject property was ancestral property. In the guise of creating documents for the land in Sy.No.119/1, they have trespassed into the land of petitioner in Sy.No.120/2 and clubbed both lands and created some sham and nominal documents and sold away the property by way of illegal methods. On consideration of the matter, the Tahsildar rejected the application of the appellant observing that it is open to the appellants to obtain decree from civil Court. The Revenue Divisional Officer also observed that Tahsildar may exercise power under the A.P. Rights in Land and Pattedar Pass Books Act 1971 and to take appropriate action.

3. Though the appeal preferred by the petitioner was not accepted by the Revenue Divisional Officer, petitioner does not challenge the same and now seeks enforcement of the order of the Revenue Divisional Officer to Tahsildar, to take proceedings under the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act, 1977').

4. The affidavit filed in support of the writ petition is bald and does not contain the essential particulars as to the grievance of the petitioner. But the prayer in the writ petition discloses that petitioner is seeking enforcement of the direction of the Revenue Divisional Officer to Tahsildar.

5. When specifically asked, learned counsel for the petitioner submitted that the subject property was the ancestral property and not assigned property.

6. If what is contended by the petitioner's counsel is true, the question of applying the provisions of the Act, 1977 is also not attracted. However, petitioner has not availed the remedy of revision, if aggrieved by the order of the Revenue Divisional Officer and when the order of the Revenue Divisional Officer also affirms the earlier decision, this Court cannot direct more particularly in the facts of the case as noted above to enforce the order of the Revenue Divisional Officer.

7. Learned counsel sought to rely upon the decision of the Supreme Court in **"S.P.Chengalvaraya Naidu (dead) by LRs Vs Jagannath (dead) by LRs and others"**¹ in support of his contention. In the facts of this case, this Judgment do not come to

¹ (1994) 1 SCC 1

the rescue of the petitioner. The contention of the petitioner was considered and rejected by the Revenue Divisional Officer, which order has become final and now the petitioner is seeking enforcement of portion of the order of the Revenue Divisional Officer.

8. Thus, leaving it open to the petitioner to work out her remedies as available in law, the Writ Petition is dismissed. There shall be no order as to costs.

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

24th October 2017
Rds

P.NAVEEN RAO,J

