

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 44336 of 2016

Date : 8.2.2018

Between :

Madala Ranga Rao S/o Gopala Rao
R/o Mandadam village, Thulluru mandal
Guntur district

Petitioner

And

The State of A P
Rep by its Principal Secretary
Municipal Admn & Urban Devp Department
Secretariat, Amaravathi and others

Respondents

The Court made the following:



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ORAL ORDER:

This writ petition is filed challenging endorsement dated 5.10.2016 issued by the authority under A.P. Capital Region Development Act.

2. Heard learned counsel for petitioner Sri N Subba Rao, learned Government Pleader for Municipal Admn (AP) for first respondent, Sri K.C. Venkat Reddy for respondent No.4. Counsel appearing on either side, consented for disposal of the writ petition at the admission stage.

3. Learned counsel for petitioner contends that the decision of the authority is challenged claiming the competent authority erroneously declared 4th respondent as owner of Ac.1.00 land in Survey No.256/A Mandadam village, Thulluru mandal, Guntur district, whereas there was partition in the family and Ac.0.50 cents of land in Survey No. 256/A fallen to share of petitioner. When petitioner was not in the village, it appears wrong entries were made in the revenue records and based on such wrong entries, 4th respondent claimed ownership of Ac.1.00 land, whereas petitioner and 4th respondent are each entitled to Ac.0.50 cents of land in addition to other sharers.

4. Per contra, learned counsel for 4th respondent submits that though each brother has got Ac.0.50 cents of land, after partition there was a settlement between the petitioner and 4th respondent wherein petitioner has given his share of Ac.0.50 cents of land to the 4th respondent on payment of Rs.12,250/- and consequently name of the 4th respondent was mutated in the revenue records and accordingly pattadar pass book was issued for Ac.1.00 land.

5. By the endorsement impugned herein petitioner was informed that on verification of the relevant records, it was noticed that

there was a family settlement on 9.7.1986 where under the subject Ac.0.50 cents of land claimed by the petitioner was given to 4th respondent on receipt of an amount of Rs.12,250/-. He was also informed that as per revenue records, name of 4th respondent is reflected.

6. Section 50 of Andhra Pradesh Capital Region Development Authority Act, 2014 deals with disputes of ownership. According to this provision, if there is dispute to ownership on any piece of land included in Capital Development Area under the development scheme of which a declaration of intention has been made, the competent authority is required to see entry made in the record of rights or mutation and competent authority can conduct an enquiry only if records are inaccurate or inconclusive.

7. Learned counsel for petitioner fairly submits that name of 4th respondent is mutated in the revenue records. How name of 4th respondent is reflected in the revenue records and whether reflection of the name of 4th respondent in the revenue records is illegal, cannot be investigated by the authority under the Act, 2014. Since name of the 4th respondent is already mutated in the revenue records, it cannot be said that entries were inaccurate or inconclusive for the competent authority to undertake enquiry under Section 50 of the Act, 2014. Thus, it cannot be said that the endorsement given to petitioner is erroneous or perverse warranting interference by this Court. If petitioner has any grievance regarding wrong entries made in the revenue records, it is open to him to avail appropriate remedies as available in law.

8. With the above observation, the writ petition is dismissed. No costs. All pending miscellaneous petitions, stand closed.

P NAVEEN RAO,J

DATE: 08.2.2018
TVK

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