

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.8268 of 2018

ORDER:

This Writ Petition is filed challenging the action of the fourth respondent in issuing the proceedings dated 20.02.2018 and accepting the application submitted by the fifth respondent for issuance of pattadar pass books and title deeds and for mutation of his name in the revenue records for the land in an extent of Acs.2.54 cents situated in Survey No.27/2A of D.Paidipala Village, Routhulapudi Mandal, East Godavari District.

In view of the nature of disposal of the present Writ Petition in the manner indicated below, the notice to respondent No.5 is dispensed with.

The first petitioner states that he purchased the subject land from his vendors through a registered sale deed dated 19.02.2010 and when there was a mistake in the survey number and it was mentioned as survey number as 27/2C instead of 27/2A, the same was corrected by the rectification deed dated 29.10.2014. Thereafter he was issued pattadar pass books and title deeds and his name was also mutated in the revenue records. Due to financial necessities, he sold the land to the second petitioner vide registered sale deed dated 13.09.2017. Since then the second petitioner has been in possession of the land. Thereafter, the petitioners came to know that the vendors of the first petitioner executed a fraudulent sale deed in favour of the fifth respondent taking advantage of the wrong description of survey number as 27/2C instead of 27/2A. Based on the same, when the fifth respondent was interfering with the

possession of the said land, the petitioners approached the fourth respondent and brought to his notice about the fraudulent sale in favour of the fifth respondent. The petitioners allege that in spite of the same, the fourth respondent issued proceedings dated 20.02.2018 declaring that the fifth respondent is in possession of the subject property. It appears that the fifth respondent submitted an application for issuance of pattadar pass books and title deeds, and the fourth respondent is attempting to act on the application submitted by the fifth respondent for issuance of pattadar pass books and title deeds. Hence, they filed the present Writ Petition.

A reading of the above events clearly shows that the present Writ Petition is filed on a mere apprehension. If the fifth respondent submitted an application in accordance with the provisions of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, the petitioners can as well file their objections to the same and we cannot assume that the fourth respondent will not follow the due procedure of law. If the petitioners file any objections or if they have already filed the objections, the request of the fifth respondent shall be considered along with the objections of the petitioners in accordance with the provisions of the said Act and no relief can be granted in the present Writ Petition, except making the position clear, as above.

The Writ Petition is, accordingly, disposed of. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

14.03.2018
vs