

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.9784 OF 2018

Dated:27.03.2018

Between:

Andhavarapu Venkata Lakshman Rao,
S/o. Venkata Mutyalu, aged about
60 years, Occ: Business, R/o.Plot No.72,
2nd Road, PN Colony, Gujarathpeta Post,
Srikakulam Town & District

.. Petitioner

And

The State of Andhra Pradesh, rep., by its
Principal Secretary, (Revenue),
Secretariat, Velagapudi Village,
Guntur District and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

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ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Revenue appearing for respondents 1 to 4.

2. This Writ Petition is filed challenging the order dated 20.02.2018 of the Revenue Divisional Officer, Srikakulam District, upholding the decision of the Tahsildar, Gujarathipet Village, Srikakulam District. The Tahsildar by his order dated 17.04.2017 held that the petitioner has no right on the land to an extent of Ac.0.6133 cents in Survey Nos.158/1B of Gujarathipet Village, Srikakulam District. The Tahsildar ordered for deletion of the name of the petitioner and for adding the name of the previous pattadar.

3. Against the order of the Revenue Divisional Officer, petitioner has the remedy of revision under Section 9 of the Andhra Pradesh Rights in Land and Pattadar Passbooks Act, 1971 (for short, 'the Act').

4. The only reason assigned by learned counsel for the petitioner for not availing the revision is that on the same subject property, O.S.No.14 of 2017 is pending on the file of the Principal District Judge and learned Judge passed orders in I.A.No.160 of 2017 filed in the said suit not to alter the suit schedule property in any form, as mentioned in the order, till respondent No.1 therein, respondent No.5 herein, appeared before the Court.

5. Learned counsel for the petitioner states that the said order is extended further.

6. Admittedly, it is not clear from the pleadings in the present Writ Petition that the same property is in issue before the civil Court. There is a vague reference to the mention of pending suit before the Revenue Divisional Officer. Thus, the petitioner ought to have availed remedy of revision under Section 9 of the Act and satisfy the Joint Collector that when suit is pending on the same subject property, the revenue authorities ought not to have interfered.

7. Since the facts on issue are not clear and as the petitioner has an effective remedy of revision under Section 9 of the Act, the Court is not inclined to entertain the Writ Petition.

8. The Writ Petition is accordingly dismissed granting liberty to the petitioner to avail the remedy of revision under Section 9 of the Act and place before the revisional authority all correct facts. There shall be no order as to costs.

Miscellaneous Petitions, if any, filed in this Writ Petition shall stand closed.

P. NAVEEN RAO, J

Date: 27.03.2018

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