

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.12121 of 2018

Date :11.4.2018

Between:

Padala Teja Veera Venkata Sai Lakshmi
D/o Padala Chinna Sitaramayya
15 years rep by mother Padala Vijayalakshmi
W/o Chinna Sitaramayya
R/o Gollaprolu village, East Godavari district and another

Petitioners

And

The state of AP
Rep by its Principal Secretary,
Revenue Department,
Secretariat, Guntur and others

Respondents

The Court made the following:



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ORAL ORDER:

Petitioners are minor children of 5th respondent herein. Petitioners allege that their father is resorting to sell the joint family properties causing irreparable loss to them. According to petitioners certain joint family properties are already sold and based on the sale transactions, Tahsildar-4th respondent is attempting to change the entries in revenue records in favour of unofficial respondents 6 to 10 in respect of properties mentioned in the prayer of writ petition.

2. The averments made in the writ petition and prayer would show that as of now, no application is filed under the A.P. Rights in Land and Pattadar Pass Books Act, 1971 whereunder detailed procedure is prescribed to deal with various contingencies. Tahsildar comes into picture only when an application is made before him. Statute vests right in any person to file an application for mutation of his name, whether that request is validly made or there are any rival claims or disputes pending, can be gone into by Tahsildar only after such an application is received by him. If such an application is made and Tahsildar passes an order, then one may have a grievance but even before an application is made, no injunction can be imposed on the Tahsildar in exercising power vested in him under the statutory provisions. Further more, petitioners instituted O.S No. 39 of 2017 in the Court of XII Additional District Judge, Pithapuram. Thus, it cannot be said that parties aggrieved thereby are remediless.

3. In the circumstances, writ petition is dismissed as premature, leaving it open to the petitioners to work out remedies available to them under law. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE:11-04-2018

TVK

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