

HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.12692 OF 2018

ORDER:

Heard Mr.K.Chidambaram for petitioners and the learned Assistant Government Pleader for respondents.

The petitioners pray for the following relief:

“....this Hon'ble Court may be pleased to issue a writ order or direction more particularly one in the nature of a writ of Mandamus declaring the action of the respondents 2 to 4 in deleting the names of the petitioners as owners of the land to an extent of Ac.1-78 cents in Sy.No.82/3, an extent of Ac.1-07 cents in Sy.No.85/4 and an extent of Ac.1-60 cents in Sy.No.85/3 respectively of C.Ramapuram Village Ramachandrapuram Mandal Chittoor District from the official web sites of the Government, altering adangal/pahani in respect of the said land in column no.6 as Government land/unknown without any notice and following due process of law and in interfering with their possession and enjoyment of the said land as highly illegal arbitrary and violative of Art.19 and 300A of the Constitution of India and consequently direct the respondents to include their names as owners in respect of the above said land in the Government website duly continuing their names in the revenue records as owners and not to interfere with their possession and enjoyment of the said land and pass....”

Mr.Chidambaram to show unauthorized deletion of names of petitioners from web land firstly relies on pattadar passbook and adangals standing in the name of petitioners and subsequent deletion treating the subject matter of writ petition as Government land, and further contends that the petitioners were not issued notice or given semblance of opportunity before the revenue records are altered to the disadvantage of petitioners. According to him, the deletion is without authority, arbitrary and illegal.

Therefore, he prays for setting aside the entries mutated in the name of Government and restore the names of petitioners.

The Assistant Government Pleader that now the grievance of petitioners is restricted to disappearance or deletion of names of petitioners from web land maintained by 1st respondent and the petitioners can certainly file appeal or representation before the District Collector, Chittoor with all their grievances. The District Collector, in turn, will verify the records of subject matter of enquiry and passes orders as are deemed fit in the circumstances of the case.

Prima facie, this Court is of the view that the petitioners ought to have at the first instance moved the 2nd respondent either by way of representation or appeal and thereafter if any order is communicated either in support of the changes already made ought to have worked out legal remedies. For the present, this Court cannot take up detailed enquiry into the flow of title either in favour of petitioners or verify whether what is claimed by respondent is correct or not. It is desirable that the District Collector/2nd respondent looks into the grievance of petitioners, passes orders and thereafter the petitioners if are aggrieved can certainly work out the remedies either before this Court or before the Court having jurisdiction.

In the light of above consideration, I am satisfied the writ petition can be disposed of by this order:

- (a) the petitioners are given liberty to represent or file appeal by enclosing a copy of this order against deletion of names of petitioners from adangal/pahani etc., before the 2nd respondent within four weeks from today;
- (b) the 2nd respondent considers the representation/appeal, summons the original record from 4th respondent, affords opportunity to petitioners and disposes of the representation/appeal as expeditiously as possible, preferably within three months from the date of receipt of representation; and
- (c) the petitioners in the representation they are going to file before the 2nd respondent are permitted to raise all legal and factual objections available in this behalf, including the flow of title in their favour for continuation of entries already made in their favour.

The writ petition is, accordingly, disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending stand closed.

S.V.BHATT, J

04th June, 2018
LrkM