

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.13489 OF 2018

Dated:18.04.2018

Between:

Mallabattula Gangadhar Rao,
S/o.Nagaraju,
Aged 39 years,
R/o.D.No.2-37,
Srinivasapuram Village,
Jangareddygudem Mandal,
West Godavari District.

... Petitioner

And

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Revenue Department,
Secretariat, Velagapudi,
Amaravathi, Guntur District and others.

... Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.13489 OF 2018****ORDER:**

Petitioner challenges the endorsement of Tahsildar dated Nil- March – 2018. This endorsement is issued on an application made by the petitioner for issuance of pattadar passbook. In fact, petitioner earlier filed W.P.No.1996 of 2018 alleging that there was total inaction in considering his application for issuance of pattadar passbooks and title deeds. The said writ petition was disposed of by order dated 05.02.2018 directing the 3rd respondent - Tahsildar therein to consider the application and pass appropriate orders in accordance with law, if no orders was passed. The impugned endorsement is in response to the directions issued by this Court.

2. On consideration of the application filed by the petitioner, the request of the petitioner to issue pattadar passbooks and title deeds is rejected on two grounds. Firstly, on the ground that the petitioner is not in possession and secondly, that there is a dispute between the vendor of the petitioner and another person and therefore, property was directed to be included in the Dispute Register.

3. Learned counsel for the petitioner submits that this is not a decision made by the Tahsildar but is only an endorsement and no such endorsement is valid in law.

4. As noted above, petitioner made an application to issue pattadar passbook and title deeds. Issuance of pattadar passbooks and title deed is regulated by A.P. Rights in Land and Pattadar Passbooks Act, 1971. Under this Act, the Tahsildar is the competent authority to process the application and to take decision on consideration of the application. The Tahsildar has to pass a reasoned order and communicate to the party, where party is entitled to issuance of pattadar passbooks and title deeds or no such request can be acceded to. The decision made by Tahsildar is in consequence to the power vested to him by Act, 1971. It cannot be said that the said decision was made without application of mind. On due consideration, the Tahsildar assigned reasons in support of his decision. If the reasons are not valid, it is for the petitioner to challenge the same in appropriate proceedings under the Act, 1971.

5. No doubt, the Tahsildar erred in using the term endorsement on the top of the order, but reading of the proceedings itself would show that it is nothing but a decision made by him on consideration of the application filed by the petitioner and the directions of this Court in W.P.No.1996 of 2018. Thus, the petitioner ought to have availed appropriate

remedy as available in law, aggrieved by the decision made by the Tahsildar refusing the request, for the reasons assigned therein.

6. Thus, leaving it open to the petitioner to work out his remedies as available under law against the decision made by the Tahsildar, albeit in the form of an endorsement, impugned in this writ petition, writ petition is dismissed.

7. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

18.04.2018
SS



P.NAVEEN RAO, J

THE HON'BLE SRI JUSTICE P. NAVEEN RAO



WRIT PETITION No.13489 OF 2018

18th APRIL, 2018

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