

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.13914 OF 2018

DATED :20.04.2018

Between :

Macherla Mahesh S/o.Sri M.Koteswara Rao,
Aged about 29 yrs, Occu : Agriculture Labour,
R/o.LDC/44, PWD Colony,
Macherla town, Macherla Mandal, Guntur District.
.. Petitioner

And

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

.. Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Revenue.

2. Petitioner alleges that D-form patta was granted to his grandfather on an extent of Ac.0.50 cents in Sy.No.1349/2/4 and Ac.0.79 cents in Sy.No.1349/2/5 of Macherla village and Mandal, Guntur District, on 23.10.1989. Even according to the petitioner on a request made by him, survey was conducted, boundaries were fixed in the year 2015 and the revenue records reflected the name of petitioner. While so, petitioner alleges that there is an attempt to dispossess him.

3. When petitioner contends that valid D-form patta was already granted and is subsisting and that petitioner is in possession, no good reason is shown as to why the revenue authorities are attempting to dispossess him. In other words, the writ petition is in the form of pre-emptive litigation preventing the authorities from taking appropriate action as warranted by law.

4. The writ Court exercises power of judicial review under Article 226 of the Constitution of India against the decisions made by the authorities or in the given case, against indecision of the authority on a complaint of action to be taken. Thus, there must be a cause of action for a person to allege that illegally and arbitrarily the competent authority has taken a decision affecting his right, for this Court to consider the decision, so made, within the parameters of judicial review. Thus, the Court is not inclined to

entertain the writ petition, even before a decision is made or action is taken against the petitioner affecting his right to enjoy the land assigned to the family of the petitioner as long as the assignment is subsisting.

5. The writ petition is mis-conceived and is liable to be dismissed. Accordingly, the Writ Petition is dismissed leaving it open to the petitioner to work out his remedies as available in law, as and when the cause of action arises. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

20th April, 2018
Rds

P.NAVEEN RAO,J

