

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.13925 OF 2018

DATED :20.04.2018

Between :

Kombathula Satyavathi, W/o.Ananda Rao,
Age 47 yrs, Occu : Cultivation,
R/o.D.No.1-107, Pedapatnamlanka Village,
Mamidikuduru Mandal, East Godavari District & another.
.. Petitioners

And

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

.. Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioners and learned Assistant Government Pleader for Revenue appearing for respondents.

2. The first petitioner is the absolute owner and possessor of agricultural land in R.S.No.5/16 to an extent of Ac.0.10 cents and R.S.No.5/17 to an extent of Ac.0.40 cents and second petitioner is the owner and possessor of agricultural land in R.S.No.5/17 to an extent of Ac.0.50 cents, situated at Pedapatnamlanka Village, Mamidikuduru Mandal, East Godavari District.

3. According to the petitioners, when the third parties tried to interfere with their possession and enjoyment, they instituted O.S.Nos.17 & 19 of 2012 pending on the file of Principal Junior Civil Judge, at Razole. Petitioners now allege that the official respondents are trying to interfere with their possession and enjoyment. On 2.04.2018 and 13.04.2018 the officials have visited and undertook measurements of the property.

4. Except for making such assertion of undertaking measurements, no other material is placed on record to show that the official respondents are seeking to interfere and to dispossess them, more so, when petitioners claim that they are private patta lands. The present writ petition is a pre-emptive litigation

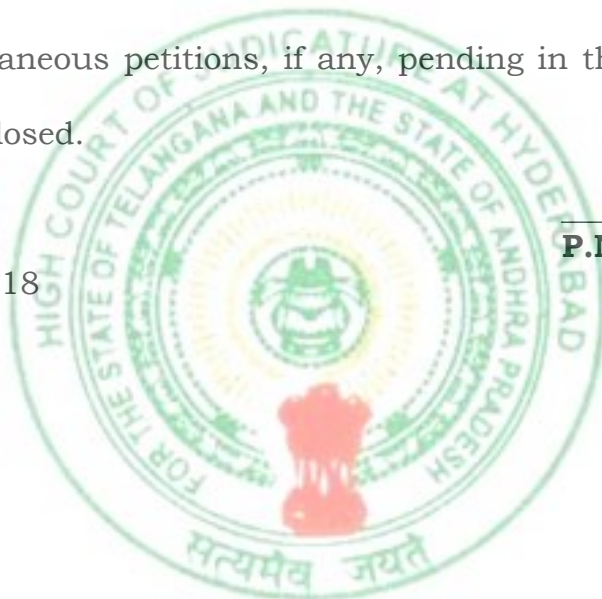
5. The writ Court exercises power of judicial review under Article 226 of the Constitution of India against the decisions made by the authorities. Thus, there must be a cause of action for a

person to allege that illegally and arbitrarily the competent authority has taken a decision affecting the rights of the petitioners, 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 petitioners affecting their right to enjoy the property, and the same is liable to be dismissed.

6. Accordingly, the Writ Petition is dismissed leaving it open to the petitioners to work out their remedies 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