THE HON'BLE SRI JUSTICE P. NAVEEN RAO

<u>WRIT PETITION No.15576 OF 2018</u>

<u>Dated:30.04.2018</u>

Between:

Kurva Ukkanna,
S/o. Eadanna,
Aged: 75 years, Occ: Agriculture,
R/o. Ieeja Village and Mandal,
Jogulamba Gadwal District.

… Petitioner

And

The State of Telangana,
Represented by its Principal Secretary (Revenue),
Dept. Office at Secretariat,
Hyderabad and others.

… Respondents

<u>The Court made the following:</u>

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ORDER:

Petitioner claims that his father Eadanna inherited ancestral property and his name was reflected in the revenue records from 1954-1955 onwards. After death of his father, petitioner applied for mutation in the revenue records. It appears, earlier the name of unofficial respondent was reflected in the revenue records and was issued Pattadar Pass Book and Title deed. As submitted by the learned counsel for the petitioner, appeal preferred against the said decision of Tahsildar was rejected by the Revenue Divisional Officer. Petitioner filed O.S.No.107/2013, pending in the Court of Senior Civil Judge at Gadwal. The Case is heard and is awaiting decision.

2. According to the learned counsel, at this stage, steps are being taken to issue fresh passbook in favour of the unofficial respondent on the same property, consequent to the '*Samagra Bhoo* Survey' conducted by the Government and such action is illegal, when civil litigation is at the stage for final disposal by competent Civil Court. In support of his contention, learned counsel for the petitioner placed reliance on the provisions in Section 8 of the

Andhra Pradesh Rights in Land and Pattadar Passbooks Act, 1971.

3. As briefly noted above and as contended by the learned counsel for the petitioner, the name of unofficial respondent is already mutated and was issued pattadar passbook and title deed. Action proposed by the Government now, is in continuation of the passbook already issued. Therefore, provision in Section 8 of the Act has no application. It is entirely different issue, if petitioner ultimately succeeds in the suit and merely because the passbook is issued in favour of the unofficial respondent, no right would accrue to him and in the event of petitioner succeeds in the pending suit, he can seek rectification of revenue records. Thus, at this stage, direction to the respondent authorities not to undertake issuance of pattadar passbook cannot be granted. Moreover, the present writ petition is pre-emptive litigation as much as so far no pattadar passbook is issued. Petitioner apprehends that there is an attempt to issue fresh pattadar passbook consequent to the '*Samagra Bhoo*' Survey exercise and seeks Mandamus to the revenue authorities not to issue such proceedings. No such pre-emptive direction can be issued directing the respondent authorities to act or not to act in a particular manner even before they act and take a decision. Therefore, this writ petition is also liable to be dismissed on that ground.

4. Accordingly and with the above observations, this writ petition is dismissed. However, it is open to the petitioner to work out his remedies as and when civil court renders its decision or any such corrections are made.

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

P.NAVEEN RAO, J

30.04.2018
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30th APRIL, 2018

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