

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.25756 of 2018

ORDER:

Heard Mr.Raja Raam for petitioner and the learned Assistant Government Pleader (Revenue) for respondents 1 to 3.

The petitioner prays for mandamus declaring the inaction of respondent No.1 in proceeding to complete the action directed by the District Revenue Officer vide L.Dis.No.6626/2017/D4 dated 14.10.2017, as illegal, arbitrary and unconstitutional.

The 2nd respondent on the petition given by the petitioner communicated the following letter to 1st respondent.

“From Smt C.Malleswari Devi., M.Sc.,
District Revenue Officer
Anathapuramu
To The Tahsildar
Agali
L.Dis.No.6626/2017/D4
Sir,
Sub:- ROR – Penukonda Division – Agali
Mandal – Ragelinganahalli Village –
S.No.456-5 extent 4.22 acres-
rectification of extent in Pattadar Pass
Book and Title Deed – reg
Ref:- Sri Sivalingappa S/o Chikka Nanjappa,
Ragelinganahalli Village, Agali Mandal
Dated:Nil

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It is to inform that in the reference cited Sri Sivalingappa S/o Chikka Nanjappa of Ragelinganahalli Village of Agali Mandal has given representation duly stating that the revenue authorities have issued Pattadar Pass Book and Title Deed in S.No.456-5 extent 4.22 acres of Ragelinganahalli Village of Agali Mandal instead of 5.37 acres. Finally the applicant has requested for rectification of extent in Paatadar Pass Book and Title Deed for the land in S.No.456-5.

In view of the above, I enclose herewith the representation in original along with enclosures received in the reference cited. I request you to enquire into the matter and take immediate necessary action in this matter.”

Now, the complaint of the petitioner is that the 1st respondent has not complied with the communication dated 14.10.2017. Hence, the writ petition.

Mr.Raja Raam submits with vehemence that petitioner is compelled to invoke the jurisdiction of this Court under Article 226 of Constitution of India, for the 1st and the 2nd respondents are issuing orders or sending communication and the administration is not bothered, whether the orders so passed or the communication sent, have been brought to the logical end. Therefore, the writ jurisdiction of this Court is invoked.

Learned Assistant Government Pleader firstly objects to the maintainability of the writ petition by contending that assuming that the letter dated 14.10.2017 is addressed by the 2nd respondent to 1st respondent, the 2nd respondent would have been informed of the outcome or inaction to remedy the situation at primary level. According to him, if this Court considers the prayer of the petitioner, what is either formally or informally intimated to 1st respondent by the 2nd respondent gets the flare of an order of a writ Court, and this Court, becomes the executing Court for the communication sent by 2nd respondent to 1st respondent. The Assistant Government Pleader further makes a practical suggestion that it is for the 2nd respondent to vouchsafe for his letters and the petitioner can be given liberty to approach the 2nd respondent for all his grievances, vis-à-vis the communication dated 14.10.2017.

I have perused the record and taken note of rival submissions.

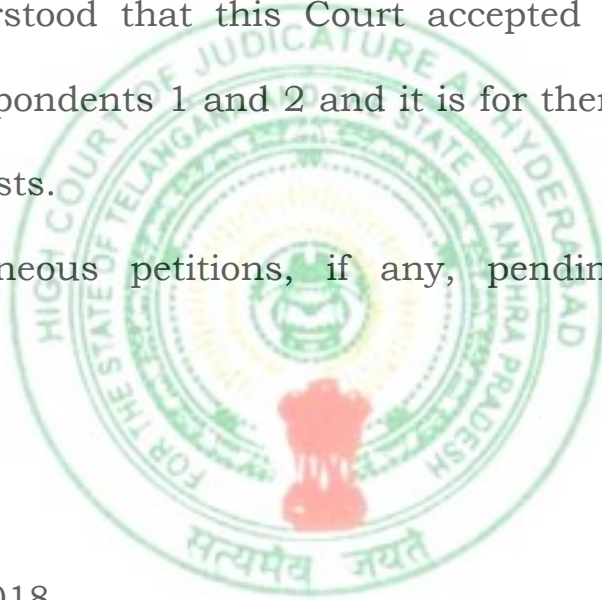
To put it succinctly, this Court is of the view that each of the objections available against the maintainability, scope and

ambit of writ jurisdiction, raised by the Assistant Government Pleader are completely tenable. This Court is not inclined to direct implementation of communication in writ jurisdiction under Article 226 of Constitution of India. Further, the writ petition is filed without even bringing to the notice of 2nd respondent as to the manner in which his communication is already considered by the 1st respondent.

Thus far and not beyond, the writ petition fails and is accordingly dismissed. The rejection of the writ prayer should not be understood that this Court accepted the indifference shown by respondents 1 and 2 and it is for them to decide. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

Date: 25.07.2018
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S. V. BHATT, J

