

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 29374 of 2018

ORDER:

The present writ petition came to be filed seeking issuance of writ of mandamus to declare the action of the 4th respondent in entering the names of third parties into the revenue records in Survey No.179/ A to an extent of Ac.2.20 guntas situated at Ramchandrapur Village of Thangallapalli Mandal, Rajanna Sircilla District, as illegal, arbitrary and unconstitutional.

2. The averments made in the affidavit filed in support of the petition show that when persons by name Ramabrahmam and Chandramouli were interfering with the possession of the schedule property, the petitioner approached the 4th respondent-the Tahsildar and obtained copies of Adangals/ Pahanis of the year 2005 and the Pahanis/ Adangal of the year 2005-06, which indicate that the land to an extent of Ac.3.26 guntas in Survey No. 179/ A is in the name of the father of the petitioner, while Adangal for the year 2006-07 shows the name of Ramabrahmam and Chandramouli, to an extent of 0.25 guntas each, and for the remaining extent, i.e., Ac.2.16 guntas, the name of the father of the petitioner is shown. However, the Adangal for the year 2007-08 shows the name of P.Sankaraiah. According to the

petitioner, the name of Ramabrahmam and Chandramouli were illegally entered in the revenue records.

3. The learned counsel for the petitioner would submit that the petitioner came to know about the said fact through the information furnished by the Tahsildar, basing on an application made by him under the Right to Information Act.

4. A perusal of the proceedings, dated 27.06.2018, issued by the Tahsildar, Thangallapalli Mandal, Rajanna Sircilla District would show that there are no documents in respect of Survey Nos. 179/ A and 180/ A, but, however, there are records showing change in entries in respect of the above survey numbers.

5. Since the changes are already given effect to in the records, the appropriate remedy for the petitioner would be to file an appeal under Section 5(5) of the A.P. Record of Rights in Land and Pattadar Passbooks Act, which fact is not denied. At this stage, the learned counsel for the petitioner would submit that the interest of the petitioner may be protected till the appeal is filed and suitable orders are passed on the same.

6. Having regard to the facts and circumstances of the case, the present writ petition is disposed of with consent, at the admission stage, directing the petitioner to file an

appeal, along with an interim application, before the appropriate authority, in which event, the said authority shall consider the interim application in the first instance, in accordance with law, as expeditiously as possible, preferably, within a period of four weeks from the date of filing of the said application. Since the petitioner claims to be in possession of the schedule property, *status quo* obtaining as on today shall be maintained till then, i.e., for a period of four weeks from today. There shall be no order as to costs.

7. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

20.08.2018
DMG



JUSTICE C. PRAVEEN KUMAR