

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

I.A.No.2 of 2018
In/ and

WRIT PETITION No.31638 of 2018

ORDER:

1) The present writ petition came to be filed seeking issuance of writ of mandamus to declare the action of the third respondent in not correcting the entries in revenue records for the land admeasuring Ac.3.87 cents in Sy.No.114-5 of Yeluru Village, Podili Mandal, Prakasham District, pursuant to an application vide No.ADCL011804394543 dated 16.02.2018, as illegal and arbitrary.

2) Though the request of the petitioner herein is to consider his online application for rectification of the entries, but in a given set of facts it would be necessary to refer to the allegations made in the affidavit filed in support of the writ petition.

3) The petitioner claims to be the owner and pattadar of the land referred to above, having acquired the same from his ancestors. It is said that the grandfather of the petitioner by name Dharmavarapu Pichi Reddy along with his son Venkat Reddy, who is the father of the petitioner, sold half of his share in the above property to one Chinna Mala Kondaiah, in

the year 1962 vide registered sale deed bearing No.682/ 1962 dated 25.07.1962, who inturn alienated the same to Dharmavarapu Pichi Reddy and Venkat Reddy through registered sale deed bearing No.398/ 1963, dated 19.05.1963. The said Dharmavaram Pichi Reddy died in the year 1982 and the father of the petitioner by name Venkat Reddy died on 19.08.2001. Since then the petitioner claims to be in possession of the property. Then the petitioner made an application before the revenue authorities to mutate his name in the revenue records and for issuance of pattadar pass book. As there was no report, a legal notice was issued. It is said that the V.R.O., Yeluru, who is the fourth respondent herein, visited the writ petitioner and demanded a sum of Rs.5.00 lakhs. Thereafter, the demand was said to have been reduced to Rs.3.00 lakhs, but however, it is mentioned that the said amount has been shared between V.R.O., and M.R.O. It is said that both the M.R.O. and V.R.O., have been regularly demanding bribe through WhatsApp messages with the son of the petitioner, for doing their work. When the petitioner expressed his inability to pay the amount, V.R.O., and M.R.O. scolded the son of the petitioner, which was captured in the pen camera. Video clips of the same and Whatsup messages are filed along with the writ petition. On coming to know about the same, the

V.R.O. and M.R.O. started harassing the petitioner and also lead to filing of O.S.No.30 of 2018 by Dharmavarapu Rami Reddy and others against the petitioner and others. The inaction of the respondents in not acting on the application made by the petitioner is the subject matter of challenge in the present writ petition.

4) On 05.09.2018, when the matter was taken up for hearing, learned counsel for the petitioner brought to the notice of the Court about the messages received from the cell phone of the V.R.O. demanding the bribe amount. Hence, this Court directed the M.R.O. and V.R.O. to be present before the Court on 10.09.2018. On 10.09.2018, Smt. A. Jayanthi, learned Government Pleader for Revenue, submitted across the Bar that because of pendency of the suit, the M.R.O. did not act on the application of the petitioner, but however found fault with the acts of the V.R.O. and further stated that she would request the District Collector to initiate appropriate action against the V.R.O. The matter was adjourned to 12.09.2018.

5) On 12.09.2018 Sri G.Venkat Reddy, the counsel for the implead petitioners made a representation stating that he is moving an application for impleadment on behalf of the rival claimants. The said application is numbered as I.A.No.2 of

2018, wherein, it is stated that their grandfather by name Dharmavarapu Basi Reddy was the absolute owner and possessor of agricultural dry land admeasuring Ac.1.93 ½ cents in Sy.No.114/ 5, having purchased the same through a document dated 04.07.1968 from the grandfather and father of the writ petitioner and since then he had been in continuous possession and enjoyment of the said land. After his death, the father of the implead petitioners and after his death, the implead petitioners are in continuous possession and enjoyment of the said land. Since the writ petitioner is going to alienate the aforesaid property, the implead petitioners filed O.S.No.30 of 2018, seeking specific performance.

6) It may be true that the un-official respondents, who are now impleaded, are contesting the very grant of mutation in favour of the petitioner, but the issue now is whether the petitioner is entitled for mutation of his name in the revenue records. Since the request in the present writ petition is only to deal with the online application made by the petitioner, the authority concerned shall deal with the online application made by the petitioner for mutation in respect of the land referred to above, in accordance with law, after hearing all concerned including the implead petitioners at the earliest.

7) But what is bothering the Court is the act of M.R.O. and V.R.O. Though the petitioner in his affidavit states that the acts of M.R.O. and V.R.O. are recorded in the C.D. and that a copy of which is placed before this Court, but it may not be proper for this Court to go into these issues in detail herein. The petitioner appears to have filed these documents only to show that the M.R.O. and V.R.O. are intentionally not acting on his application. The learned counsel for the petitioner placed on record the WhatsApp messages/ communication between the V.R.O. and son of the petitioner, evidencing the demands made by the V.R.O. in coded words not only for himself but also on behalf of M.R.O.

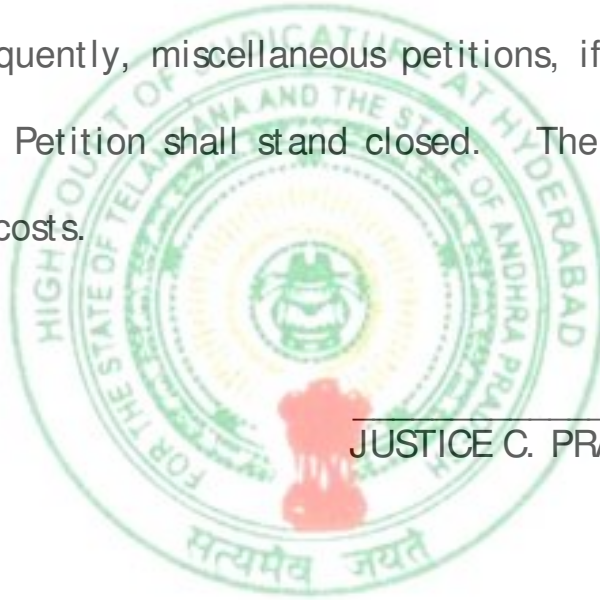
8) From the above, it shows the magnitude at which the corruption is prevalent in the society. Demand for money is sought to be made through electronic media, ignoring the fact that such messages get recorded and stored. One cannot accept that the V.R.O. was ignorant of the same or unmindful of his act. For this reason only the Government Pleader for Revenue suggested suitable action to be initiated against V.R.O. through the Collector.

9) Having regard to the above circumstances and taking into consideration the nature of allegations made, this would be a fit case where the appointing authority shall enquire

into the allegations made and take action against the concerned.

10) Accordingly, I.A.No.2 of 2018 is allowed and the present writ petition is disposed of directing the authority concerned to deal with the online application made by the petitioner for mutation in respect of the land referred to above, in accordance with law, after hearing all the concerned at the earliest.

11) Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.



JUSTICE C. PRAVEEN KUMAR

27.09.2018

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