

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.31840 of 2018

ORDER:

The present Writ Petition came to be filed seeking issuance of writ of mandamus declaring the inaction of the respondents in initiating action on the complaints dated 25.07.2018, 08.08.2018 and 10.08.2018 lodged by the petitioners, as illegal, arbitrary and improper.

2) The averments in the affidavit filed in support of the Writ Petition would show that both the petitioners are the real brothers and absolute owners and possessors of the land to an extent of Ac.0.97 and 0.98 cents situated in Sy.No.218 and 218/1 of Ootsarangapally/Ootsarangapur village of Bejjure Mandal, Kumram Bheem (Asifabad) District. The said property is an ancestral and the same was mutated in their names after the death of their father. After holding enquiry, the revenue authorities also issued 1B proceedings, pahani patrika, patta passbooks and title deeds under the ROR Act in favour of the petitioners. It is said that originally the father of the petitioners is the owner of the land in Sy.No.218 to an extent of Ac.1.96 cents, which was subdivided as with Sy.No.218 and 218/1, in the name of both the petitioners. It is said that since 03.01.2016 the petitioners are enjoying the said land by paying the land cess, without any interferences. While things

stood thus, the 7th respondent started interfering with the peaceful possession of the property, without having any right. Then the petitioners made a representation on 25.07.2018, before the Mandal Revenue Officer/4th respondent and also lodged a complaint with the S.I. of Police, Bejjure/6th respondent. The 4th respondent is said to have directed the Revenue Inspector to find out the facts in issue who in turn stated that the 7th respondent is also having patta passbook. It is further stated that when the petitioners demanded the revenue authorities to get that patta passbook, they refused to take action against the 7th respondent stating that it is a civil dispute. Subsequently, when the petitioners came to know that the 7th respondent created some forged and fabricated documents with a malafide intention to usurp the valuable properties of the petitioners, lodged another complaint dated 08.08.2018, but the respondents refused to receive the same. It is further stated that under the new scheme of digitalization of land, the Government issued pattadar pass book and title deeds in favour of the petitioners and inspite of that, the respondents failed to protect the rights of the petitioners. The said inaction of the respondents, lead to filing of the present Writ Petition.

3) A perusal of the complaint dated 08.08.2018, shows that the petitioners, who claims to be having agricultural land, to an extent of Ac.1.96 cents in Sy.No.218, 218/1 in Utsaranga Palli

village, was sought to be encroached by one Atram Masaiah, a resident of the same village, by creating a "sada bynama". As per the said representation, the said Atram Masaiah also obtained passbook and title deeds. There is no reference to any intervention by the revenue officials, insofar as this dispute is concerned. If the petitioners have any grievance against the unofficial respondent, he has to obtain appropriate order from the civil court. Since the dispute is purely civil in nature, between two private individuals, the petitioner is at liberty to approach the civil court.

4) With the above observation, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous Petitions, pending if any in this Writ Petition shall stand closed.

C. PRAVEEN KUMAR, J

Date: 06.09.2018

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