THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.37911 of 2013

O R D E R :

Heard the learned counsel for the petitioner and learned Government Pleader for the respondents 1 to 4.

2. In view of the disposal of the present Writ Petition, in the manner herein, the notice to the respondents 5 and 6 are dispensed with.

3. The petitioner claims to be absolute owner of the land property to the extent of Ac.0.78 cts in Sy.No.275/1 of Sabbavaram Revenue Village, Visakhapatnam District. In pursuance of the Oral partition among the family members of the petitioner, the said land fell to the share of the petitioner. Out of total Ac.0.78 cts of land, the family of the petitioner sold about Ac.0.27 cts of land to Gorle Demudu trough sale deed dated 04.05.1994, about Ac.0.15 cts to Mandala Sunny Babu, about Ac.0.03 cts to one Melipaka Nagabhushanam and Ac.0.01 cts to T.Simhachalam by executing necessary documents. The remaining land is in possession of the petitioner. While so, One Ch.Satyanarayana had some land in Sy.No.274 on the southern side of petitioner's property and he had no access to the road, as such, he requested the petitioner to provide access to the road through the land of the petitioner and since he did not agree the said proposal, the petitioner states that the said person started indulging in criminal activities, by collided with the Revenue Officials and tampering revenue records. The petitioner gave a report to the

concerned authorities and the same was registered FIR No.31/2013 under Sections 420, 468, 471 IPC R/w. 34 IPCon 23.03.2013, against the 5th and 6th respondents. The 5th respondent and one Ch.Satyanarayana Raju executed a gift settlement deed on 13.03.2012 in the name of Sri Maridimamba Devalayam (Village deity) represented by Eirothi Simhachalam, the 6th respondent herein, without having any right or title and possession over the property. Later on the said Satyanarayana Raju died subsequently on 17.11.2012. The contention of the petitioner is that the Revenue records were tampered.

4. In those circumstances the petitioner given complaint to the District Collector-the 2nd respondent to take necessary action by issuing notices to the Registering Authorities and he also sought to take appropriate action for the wrongful concealment of fact and misrepresentations made by Sri Chintalapat Satyanarayan Raju and his son 5th respondent for their wrongful gain.

5. The 4th respondent conducted enquiry and submitted his report vide his proceedings Rc.No.431/2012/A, dated -09-2012 to the 3rd respondent by marking a copy to the 2nd respondent, wherein, it was categorically mentioned about the interpolations and fraud done by the 5th respondent.

6. The 3rd respondent issued a notice under Section 5(5) of the A.P.R.O.R. Act, 1971 assuming that the petitioner himself filed the appeal. Thereafter no action was taken.

7. In these circumstances, the petitioner filed the present Writ Petition for rectification of the Revenue Records and cancellation of documents by way of deletion of fraudulent entries relating to S.No. 275/1 of Sabbavaram Revenue Village, Visakhapatnam District in the pattadar passbook and title deeds.

8. If there are any wrongful entries in revenue records in respect of the land possessed by the petitioner, the petitioner has to make proper application in accordance to the provisions of the Andhra Pradesh Rights in Land and Pattadar Passbooks Act, 1971. No such application was filed nor was any representation made.

9. In these circumstances, liberty is given to the petitioner to submit proper application to the concerned authorities for rectification of entries in the Revenue Records and as and when such application is filed, the concerned authorities shall dispose of the same after giving notices to the concerned parties, within in a period of three months from the date of receipt of such application.

10. Accordingly, this Writ Petition is disposed of. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

Dated: 08.02.2018

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