

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.35352 of 2018

ORDER:

The present petition is filed seeking issuance of writ of mandamus declaring the action of the respondent No.2 issuing Form No.VIII dated 20.02.2018 by considering the statement of 3rd respondent dated 02.03.2018 issuing pattadar passbook through proceedings No. F.Dis/319/VII/1426F/Kanchipalli/3/2018 dated 07.03.2018 for the lands in Sy.No.191/1 as illegal, improper and incorrect.

2) The petitioner herein claims to have purchased the land to an extent of Ac.0.08 cents through document bearing No.3038/2017 dated 09.11.2017 from her vendors by name Ambavarapu Subbamma and Ambavarapu Thirumalal Reddy. The said land is situated in Sy.No.191 of Rajupet village, h/o. Kanchipalli, Giddalur Mandal, Prakasam District. The said lands were purchased by the husband of the first vendor and father of the second vendor through document bearing Nos.925/1973 and 281/1988 admeasuring 6 cents and 2 cents respectively after paying the entire sale consideration. It is said that though the petitioner is in possession and enjoyment of the said land, the 4th respondent made an undated representation to the 2nd respondent alleging that she is the legal heir of her grandparents Konda Adilakshmi and sought for

issuance of pattadar passbooks. It is said that the second respondent without issuing any notice to the purchasers as contemplated, conducted an enquiry behind the back of the petitioner. It is further stated that basing on the above, the respondents 1 to 3, who are in collusion with the 4th respondent trying to issue pattadar passbook in favour of the 4th respondent without following due process of law, which is subject matter of challenge in the present Writ petition.

3) Learned Assistant Government Pleader for Revenue would submit that the impugned notice came to be issued basing on the application made by the 4th respondent herein for issuance of pattadar passbook. In the said notice, the petitioner herein was directed to submit her explanation within a period of 15 days. Therefore, the question of conducting an enquiry behind her back and trying to issue pattadar passbook without the knowledge of the petitioner appears to be incorrect. It is said that the learned counsel for the petitioner tried to contend that she did not receive any notice dated 20.02.2018 and as such everything is being conducted behind her back.

4) As seen from the record, the 4th respondent made an online application dated 19.02.2018 seeking issuance of pattadar passbook and title deeds. *Prima-facie* it appears that pursuant to an application made by the 4th respondent, seeking issuance of pattadar

passbook, the impugned notice came to be issued. If the petitioner is aggrieved by the issuance of the said notice, she can as well give an explanation to that. At this stage, the learned counsel for the petitioner tried to contend that the petitioner was not aware about the said notice dated 20.02.2018.

5) Having regard to the above circumstances, if no orders are passed till date, pursuant to the said notice dated 20.02.2018, the petitioner shall give an explanation to the said notice, in which event the authorities shall decide the same in accordance with law. If any order is already passed pursuant to the said notice, the petitioner shall avail the remedies available under law.

6) With the above direction, 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: 01.10.2018

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