

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

AND

THE HON' BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION NO. 44931 of 2017

ORDER :

Heard both sides.

2. The present writ petition came to be filed seeking issuance of writ of mandamus, declaring the action of the second respondent in not submitting the compliance report to the third respondent in Complaint No.3497/ 2016/ B2, as illegal and arbitrary and consequently direct the second respondent to record the name of the petitioner as pattadar and possessor in respect of the land admeasuring Ac.1.09 guntas in Survey No.570/ A/ 1, situated at Huzurnagar Revenue Village and Mandal for the year 1995-96 to 2016-17 in pahanies.

3. The petitioner claims to have an agricultural land in Survey Nos.570 A and 571 A, admeasuring Acs.2.05 guntas and Acs.3.00 guntas respectively situated at Huzurnagar Revenue Village and Mandal, Nalgonda District. According to him, the property was acquired by way of inheritance and subsequently the Tahsildar issued the pattadar pass books and the petitioner was recorded as pattadar and possessor since 1977 to 1978 onwards. While things stood thus, the fourth respondent, who also claims to have a share in the said land, sold the same to the fifth respondent vide two simple sale deeds executed in the month of February, 1997 and May, 1999. The fifth respondent is said to have approached the second respondent for mutation of his name in the revenue records. It is stated that the

fifth respondent colluded with the second respondent and got the documents executed in his favour. Later, the fifth respondent is said to have given the said land as gift to his daughter by name Thalla Nagalatha. Since the petitioner also claimed his right over a portion of the land and as the entries came to be recorded without his notice, he approached the second respondent by giving a written representation. A Panchanama was conducted with the help of MRO and VRO of Huzurnagar, in the presence of panchas and the witnesses. In the said panchanama, the panchas admitted the fact that the name of the first respondent was wrongly recorded as pattadar and possessor in Survey No.570 A for an extent of Ac.1.09 guntas and hence it should be recorded in the original pattadar. Thereafter, on 28.09.2016, the petitioner herein filed a complaint before the third respondent, pursuant to which order dated 21.10.2016 came to be passed. Pursuant to the order of the third respondent, the second respondent issued notices to all the concerned directing them to approach before them on 17.02.2017 along with pattadar pass books and title deeds and relevant documents. Aggrieved by the same, the present writ petition came to be filed.

From the arguments advanced, it appears that the petitioner is not aggrieved by the order passed by the third respondent as the said order came to be passed on his complaint. His grievance appears to be that though he is the owner and possessor of the land, the Mandal Surveyor has incorporated the name of the fifth respondent in the revenue records.

If the petitioner is aggrieved by the action of the Tahsildar, which was initiated prior to the filing of a compliant before the Hon'ble Lok Ayukta, his remedy lies elsewhere. The provisions of A. P. Rights in Land and Pattadar Pass Books Act (for short, 'the ROR Act') provide a remedy of appeal or revision against any order passed by Tahsildar. Without ventilating his grievance by availing the remedy available under law, the petitioner directly approached this Court under Article 226 of the Constitution of India, referring to the order of Hon'ble Lok Ayukta. Since the petitioner is not aggrieved by the order passed by the Hon'ble Lok Ayukta or the consequential steps taken by the Tahsildar, and since his grievance is with regard to the steps taken by the Tahsildar, prior to filing of the complaint before the Hon'ble Lok Ayukta, we find no reason to interfere with the orders passed by the third respondent and the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed leaving it open to the petitioner to avail the remedies available under law. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any pending, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

SMT.JUSTICE KONGARA VIJAYA LAKSHMI

02.01.2018
vnb