

THE HON'BLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION No.25186 OF 2020

Bandi Rajasekhar, S/o Bandi Subbanna @ Abraham, Aged 37 years, Occ: Private Employee, R/o D.No.3-80, Bhadripalli Village, Chapadu Mandal, YSR Kadapa District, Andhra Pradesh – 516172.

... Petitioner

Versus

State of Andhra Pradesh, represented by its Principal Secretary, Revenue Department, Secretariat Buildings, Velagapudi, Guntur District and four others.

... Respondents

Counsel for the petitioner : Sri M.Srivijay

Counsel for respondents : GP for Revenue

ORDER

The present writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“... to issue an appropriate writ, order or direction more particularly one in the nature of Mandamus, declaring the action of the respondents particularly respondent No.4 in not considering the representations made by the petitioner to cancel the pattadar pass book No.1499 and Khata No.99 obtained by the 5th respondent by misrepresentation and fraudulent way and failure of the official respondents to conduct the survey and verify the records pertaining to the agricultural land in an extent of Ac.1-60 cents forming part of survey No.161 of Nerrawada Village, Chapadu Mandal, YSR Kadapa District, Andhra Pradesh State, thereby

allowing the 5th respondent to usurp into the land of the petitioner on the strength of some bogus and fictitious documents as being arbitrary, illegal and violative of Articles 14, 19 and 300-A of the Constitution of India besides in contraventions of the provisions of AP Revenue Act and consequently direct the respondent Nos.3 and 4 to issue pattadar pass book in favour of the petitioner and to restrain the 5th respondent from causing any interference or putting up any claim in and over the land in an extent of Ac.1-60 cents forming part of survey No.161 of Nerrawada Village, Chapadu Mandal, YSR Kadapa District, AP and pass such other orders as this Hon'ble Court may deem fit and proper".

2. Petitioner in the affidavit contended that he is the absolute owner and possessor agricultural land of an extent of Ac.1-60 cents in Sy.No.161 of Nerrawada Village, Chapadu Mandal, YSR Kadapa District. Petitioner acquired the same from the original pattadar-Revuri Lakshman Rao and has been cultivated the land from the last seven decades. Respondent No.5, inimical towards petitioner, brought into existence some fabricated and fictitious documents and on the strength of said document, in connivance with the lower rank officials of respondent Nos.3 and 4 got her name mutated in revenue records. Petitioner made representations to respondent No.3 and filed the above writ petition complaining that respondent No.3 is not disposing of the said representation.

3. Thus, the grievance of the petitioner is that name of 5th respondent was mutated in revenue records and hence he made representation against the said action of the 3rd respondent. However, 3rd respondent is not acting upon the same. Against issuance of Pattadar Pass Book and Title Deed, any person aggrieved has to file revision under Section 9 of the Andhra Pradesh Rights in land and Pattadar Passbooks Act, 1971 (herein after referred to as 'Act') within a period of 60 days. Any person, aggrieved by updation of records of rights, appeal would lie before Revenue Divisional Officer. Representation made by the petitioner does not serve any purpose. Petitioner has to file either appeal or revision before the competent authority as per the provisions of Act.

4. In view of the same, the writ of Mandamus sought by the petitioner will be issued to the respondent to consider the representation made by the petitioner. Writ petition is disposed of with a direction to the petitioner to avail remedy provided under the Act. If petitioner files proper appeal or revision, the

competent authority shall consider the same strictly in accordance with law.

5. With the above direction, the Writ Petition is disposed of.
No order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand dismissed.

JUSTICE SUBBA REDDY SATTI

Date : 28.04.2023
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