APHC010010902023

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3332]**
(Special Original Jurisdiction)

THURSDAY, THE 23rd DAY OF JULY 2026

PRESENT:THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 756/2023

Between:

1. K VENKATA LAKSHMI, W/O.K.VENKATA RAMANA, AGE 35 YEARS, OCC HOUSE WIFE, R/O.VENUGOPALA NAGAR, ANANTAPUR TOWN, ANANTAPUR DISTRICT.

...PETITIONER

AND

1. THE STATE OF AP, REP. BY ITS PRL. SECRETARY, REVENUE DEPARTMENT, SECRETARIAT, VELAGAPURI, AMARAVATHI, GUNTUR DISTRICT, ANDHRA PRADESH.
2. THE DISTRICT COLLECTOR, ANANTAPUR, ANANTAPUR DISTRICT.
3. THE REVENUE DIVISIONAL OFFICER, ANANTAPUR, ANANTAPUR DISTRICT.
4. THE TAHSILDAR, PAMIDI MANDAL, PAMIDI, ANANTAPUR DISTRICT.
5. K G RAJA GOPAL DIED, S/O.K.GAMPAIAH, MAJOR, R/O.PAMIDI, NOW RECENTLY RESIDING AT D.NO.18/20, SANTHINIVAS, SREERAM NAGAR COLONY, SECUNDERABAD -500 015, TELANGANA. STATE.
6. K ATMARAM, S/O.K.GAMPAIAH, MAJOR, R/O.PAMIDI, NOW RECENTLY RESIDING AT D.NO.18/20, SANTHINIVAS, SREERAM NAGAR COLONY, SECUNDERABAD -500 015, TELANGANA STATE.
7. DR K R GHANSHYAM, S/O. LATE SRI K.G. RAJA GOPAL, AGED ABOUT 56 YEARS, R/O. H.NO. 1-4-945/950, F-420, B-II,

JANAPRIYA ABODES, GANDHI NAGAR, HYDERABAD, TELANGANA-80.

8. K R MADHUSUDHAN, S/O. LATE SRI K. G. RAJA GOPAL, AGED ABOUT 54 YEARS, OCC PRIVATE, R/O. H.NO. 1-4-945/950, F-420, B-II, JANAPRIYA ABODES, GANDHI NAGAR, HYDERABAD, TELANGANA-80. RR 7 AND 8 ARE BROUGHT ON RECORD AS L.R.S OF THE DECEASED 5TH RESPONDENT AS PER COURT'S ORDER DT. 13/2/25 IN IA 2 OF 2024.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue appropriate writ or order or direction more particularly one in the nature of writ of mandamus declaring the action of the 3rd respondent in not initiating any proceedings or appeal under ROR Act for cancellation of the pattadar pass books in respect of land in Sy.No.319-1B1, 1B2 of Pamidi Village and Mandal, Anantapur District and deletion of names of the unofficial respondents 5 and 6 is illegal, arbitrary and in violation of Principles of Natural justice and in violation of Art.14, 21, 48-A and 51A of the Constitution of India and consequently direct the 3rd respondent to initiate appropriate proceedings or Appeal under ROR Act on the application made by the petitioner dt23-12-2022 in respect of land in Sy.No.319-1B1, 1B2 of Pamidi Village and Mandal, Anantapur District in the interest of justice and to pass

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 3rd respondent to initiate appropriate proceedings or Appeal under ROR Act on the application made by the petitioner dt:23-12-2022 in respect of land in Sy.No.319-1B1, 1B2 of Pamidi Village and Mandal, Anantapur District in the interest of justice.

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant leave to the 6th respondent/petitioner to file counter in W.P. No. 32818 of 2023.

IA NO: 2 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to permit the Proposed Respondent Nos.7 & 8/ legal representative of the 5 respondent to come on record as Respondent Nos.7 & 8 in WP.No.756 of 2023.

Counsel for the Petitioner:

1. N PREMRAJ

Counsel for the Respondent(S):

1. GP FOR REVENUE
2. VUYYURU LAKSHMANA RAO

ORDER:

The Writ Petition is filed questioning the action of the respondent no.3-Revenue Divisional Officer in not initiating any proceedings or appeal under ROR Act for cancelation of the Pattadar passbook in respect of land in Survey No.319-1B1, 1B2 of Pamidi Village and Mandal, Anantapur District and for deletion of name of respondent nos. 5 & 6 in revenue records, despite submission of application by the petitioner dated 23.12.2022.

2. Heard Sri N.Prem Raj, learned counsel for petitioner, Sri Venkata Satyanarayana, learned Assistant Government Pleader for Revenue, and Sri Vuyyuru Lakshmana Rao, learned counsel for respondent nos.7 & 8.

3. Sri N.Prem Raj, learned counsel for petitioner, while reiterating the contents of the writ affidavit would contend that petitioner is the absolute owner of the subject property, which she purchased under registered sale deed dated 10.02.2004 and during lifetime of her husband he was looking after the property and after his demise the petitioner started managing the property and then she came to know that respondent nos. 5 and 6, who are brothers, got their names mutated in revenue records and obtained pattadar passbooks for the subject property. He would further contend that the petitioner gave a representation to the Revenue Divisional Officer, Anantapur for cancellation of 1-B adangal and pattadar passbook on 23.12.2022 enclosing copy of the decree and judgment in O.S.No.265 of 2002 on the file of the Court of the

learned Junior Civil Judge, Gooty, dated 01.10.2004, filed by her vendor against respondent nos. 5 and 6, however the Revenue Divisional Officer did not initiate any proceedings pursuant to the said representation. He would further contend that the inaction of the Revenue Divisional Officer in initiating proceedings on the application/representation of the petitioner is illegal, arbitrary and in violation of principles of natural justice. Accordingly, prayed to allow the Writ Petition by declaring the inaction of the Revenue Divisional Officer as illegal.

4. Sri Venkata Satyanarayana, learned Assistant Government Pleader for Revenue, on the written instructions of the Tahsildar, Pamidi Mandal, Ananthapuramu District, submitted that the land in an extent of Ac.5-00 was assigned to Mala Gampanna @ K.Gampanna vide DAR.Dis.No.85/35, dated 15.02.1926 and after his demise, the property was succeeded by respondent nos.5 and 6 and thereafter an extent of Ac.1-97 cents in Sy.No.319-1B was acquired for National Highway vide Award No.1/71 and accordingly the Survey number 319-1B was sub-divided and the land in an extent of Ac.0-89 cents in Sy.No.319-1B1 and the land in an extent of Ac.2.14 cents in Survey No.319-1B3 was in effective possession and enjoyment of respondent nos.5 and 6 and after demise of respondent no.5, his sons respondent nos.7 and 8 succeeded the said property. He further submitted that on the misrepresentation of facts, the land in Sy.Nos. 319-1B1 and 319-1B3 was

mutated in the name of Sri B.Rajanna and thereupon the respondent nos.7 and 8 filed appeal before the Revenue Divisional Officer, Ananthapuramu and after hearing the parties, the Revenue Divisional Officer ordered for deletion of entries and for restoration of the names of original pattadars i.e. respondent nos. 6 to 8 and accordingly their names were restored. He further submitted that the petitioner purchased the land from the persons who are no way concerned to the subject land and that too the entire extent of Survey No.319 and its sub-divisions are kept in prohibited lands under Section 22-A of the Registration Act and hence the sale of the writ petitioner is violative of D-patta conditions. Accordingly, prayed to dismiss the writ petition being meritless.

5. Sri Vuyyuru Lakshmana Rao, learned counsel for unofficial respondents, while reiterating the contentions of the learned Assistant Government Pleader submitted that respondent nos.6 to 8 being successors of the original pattadars of the subject land, their names were mutated in the revenue records and pattadar passbooks have been issued in their name and the petitioner said to have purchased the land from the persons who are no way concerned with the said land and therefore, she would not get any title over the subject property. Accordingly, prayed to dismiss the writ petition.

6. Perused the material available on record and considered the submissions made by learned counsel for the parties.

7. The grievance of the petitioner is that the Revenue Divisional Officer did not initiate any proceedings or appeal under Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (ROR) Act pursuant to her representation submitted for deletion of names of unofficial respondents and for cancelation of pattadar passbooks.

8. Section 5 of the ROR Act reads thus:

> 5. **Amendment and updating of Record of Rights**:
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> (1)On receipt of intimation of the fact of acquisition of any right referred to in Section 4, the Mandal Revenue Officer shall determine as to whether, and if so in what manner, the record of rights may be amended in consequence therefor and shall carryout the amendment in the record of rights in accordance with such determination:
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> Provided that no order refusing to make an amendment in accordance with the intimation shall be passed unless the person making such intimation has been given an opportunity of making his representation in that behalf.
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> [Provided further that when the registration is approved by the Registering Officer, the name of the claimant shall be mutated in lieu of name of the executants on real time basis provisionally in electronically maintained data duly assigning notional subdivision number as may be prescribed pending enquiry by the Tahsildar;Provided also that the provisional mutation shall be confirmed by the Tahsildar electronically by following due procedure under sub-section (3) within thirty days of the registration. The aggrieved person may file an appeal to the Revenue Divisional Officer within a period of fifteen days from the date of order of the Tahsildar and decision of the appellate authority thereon shall subject to the provisions of Section 9 be, final.
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> (2) Where the Mandal Revenue Officer has reason to believe that an acquisition of any right of a description to which Section 4 applies has taken place and of which an intimation has not been made to him under that Section and where he considers that an amendment has to be effected in the record of rights, the [Mandal Revenue Officer] [Substituted for 'Recording Authority' by AP Act 9 of 1994, w.r.e.f. 31-10-1993.] shall carry out the said amendment in the record of rights.
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> (3) The Mandal Revenue Officer shall, before carrying out any amendment in the record of rights under sub-section (1) or sub-section (2) issue a notice in

writing to all persons whose names are entered in the record of rights and who are interested in or affected by the amendment and to any other persons whom he has reason to believe to be interested therein or affected thereby to show cause within the period specified therein as to why the amendment should not be carried out. A copy of the amendment and the notice aforesaid shall also be published in such manner as may be prescribed. The Mandal Revenue Officer shall consider every objection made in that behalf and after making such enquiry as may be prescribed pass such order in relation thereto as he deems fit.

(4)Every order passed under this section shall be communicated the person concerned.

(5)Against every order of the Mandal Revenue Officer either making an amendment in the record of rights or refusing to make such an amendment, [an appeal shall lie to the Revenue Divisional Officer or such authority as may be prescribed, within a period of sixty days from the date of communication of the said order and the decision of the appellate authority thereon shall subject to the provisions of Section 9, be final.

(6)[The Mandal Revenue Officer shall have the power to correct clerical errors, if any, in the Pass Books.

9. As per Section 5 of the ROR Act, the petitioner has to approach the concerned Mandal Revenue Officer or submitting a formal request via the MeeSeva Portal or a local Village/Ward Secretariat is the primary legal step to modify revenue records, such as for land mutations or corrections and if the Mandal Revenue Officer refuses to make such amendment, an appeal shall lie to the Revenue Divisional Officer. In the instant case, the petitioner did not approach the primary authority-Mandal Revenue Officer, instead she made representation to the appellate authority-Revenue Divisional Officer, without there being an order under Section 5(3) of the Act passed by the primary authority-Mandal Revenue Officer. Therefore, the petitioner by bypassing the remedy available under Section 5(3) sought to avail the remedy under Section 5(5) of the Act by approaching the appellate authority.

10. In ***T.Rajeswari v. Joint Collector, SPSR Nellore District***[1]***,*** this Court held as follows:

> *"As per the scheme of the Act, it is only the order, which was passed under Section 5(3) of the Act is appealable under Section 5(5) of the Act. In the absence of any order having been passed in the present case, there could not have been any appeal. The Revenue Divisional Officer, who is the appellate authority, while passing the order pursuant to the order of this Court, also did not verify as to what are the pending cases, and likewise the Joint Collector also did not make any efforts to set out the details. In other words, in the present case, there is no primary order and the appellate as well as the revisional orders are also bereft of any details. In such circumstances, both the orders i.e., appellate as well as revisional order cannot be sustained and required to be set aside and accordingly set aside."*

As per the above observations it is evident that in the absence of any order having been passed under Section 5(3), there could not have been any appeal under Section 5(5) of the Act.

11. Regarding maintainability of appeal or revision as against issuance of pattadar pass books and title deeds is concerned, A division bench of this Court in ***Ratnamma v. Revenue Divisional Officer, Ananthapur District and others***[2], held that the appeal under Section 5(5) of the Act before the Revenue Divisional Officer is not maintainable against mere issuance of pattadar pass book and title deeds under Section 6-A of the Act. In paras 24 and 25,the Division Bench of this Court held as follows:

> "Sections 5-B and 6-A are introduced through Amendment Act 9 of 1994. Through the amendment, remedy of appeal against regularization order under Section 5-A of the Act and provision for issuance of PPB/TD under Section 6-A of the Act is enacted. Sub-section (3) of Section 6-A provides for correction of

[1]. 2015(6) ALT 339
[2]. 2015(5) ALT 228 (D.B.)

> entries in the PPB/TD by the Mandal Revenue Officer either suo motu or on an application. As already noticed, the record-of-rights is prepared under Section 3 of the Act, updated/ maintained under Sections 4, 5 and also as a consequence of regularization under Section 5-A of the Act. Issuance of PPB is covered by Section 6-A of the Act. The PPB is nothing but a copy or reflection of entries in the record of rights prepared or maintained at one or the other stages under the Act as stated above. The PPB/TD is maintained and issued in Form No. 14-C of the Rules. PPB/TD contains the entries as borne out by 1-B Register. With the issue of pass book to any person whose name in the applicable column is recorded in record of rights, it cannot be said such issuance adversely affects any person. A person is certainly aggrieved by illegal preparation of record of rights and against such illegal preparation the remedy is provided under Section 3(3) of the Act. Likewise, against illegal or erroneous updation of record of rights under Sections 4 and 5 or regularization under Section 5-A of the Act, the remedy of appeal under Section 5(5) or Section 5-B respectively is available to an aggrieved party. On the other hand, Section 6-A(3) provides for correction of erroneous entries in PPB/TD issued by the Mandal Revenue Officer. The reason for not providing any appeal against the issuance of PPB/TD is manifest from the Scheme of the Act viz., that the issuance of TD/PPB does not by itself adversely affect the substantive right of a person, who claims or has a right in the property for which PPB is issued. In other words, the issuance of PPB/TD is a consequential act and entries in PPB/TD are mere reflection of entries of 1-B Register. Mere filing of appeal against issuance of pattadar pass book which is only a copy of 1-B register is not an efficacious remedy under the scheme of the Act."

As per the above observations, Issuance of PPB is covered by Section 6-A of the Act. Pattadar Pass Book and Title Deed contain the entries as borne out by 1-B Register. With the issue of pass book to any person whose name in the applicable column is recorded in record of rights, it cannot be said such issuance adversely affects any person and hence no appeal is provided against mere issuance of pattadar passbooks and title deeds.

12. This Court in ***Kuruva Hanumanthamma vs. State of A.P., rep. by its Principal Secretary, Revenue Department***[3] held at paras- 24, 25, 27 and 35 as follows:

> **"24.** The scheme of the Act is considered by the Full Bench in *Santosh Verma* v. *Joint Collector*, Ranga Reddy District and keeping in view the opinion of Full Bench, this Court examines point No. 2. The proviso to sub-section (2) of Section 6-A of the Act regulates the jurisdiction of Recording Authority or Mandal Revenue Officer in issuing PPP/TD, by stipulating that PPP/TD shall not be issued by the Mandal Revenue Officer unless the record of rights have been brought up to date (emphasis added). The words have been brought up to date, in sub-section (2) of Section 6-A, are related to or appreciated in the same way the words amendment and updating of record of rights used in Section 5 of the Act.
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> **25.** Therefore, If PPP/TD is issued in conformity with the requirement of proviso to sub-section (2) of Section 6-A of the Act, then there is no difficulty in holding that a person aggrieved by the updation and resulting in issuance of PPP, works out the remedy of appeal under Section 5 (5) of the Act as decided by Ratnamma case. Sub-section (3) of Section 6-A authorizes the Mandal Revenue Officer to correct the entries in the PPP/TD, and scope of sub-section 3 is limited to correction of errors of entries and nothing more. Therefore by interpreting Section 6-A (2) of the Act, this Court holds that the recording authority in cases coming under Section 5 of the Act has jurisdiction to issue PPP/TD after the record is updated or amended. As in the present case, PPP/TD is issued, independent of or de hors the entries made in record of rights maintained under 1-B, then what is the remedy available to an aggrieved party is the moot point for consideration of this Court.
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> Section 9 reads as follows:
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> 9. Revision:--The Collector may either suo motu or on an application made to him, call for and examine the record of any Recording Authority, Mandal Revenue Officer or Revenue Divisional Officer under Sections 3, 5, 5-A or 5-B, in respect of any record of rights prepared or maintained to satisfy himself as to the regularity, correctness, legality or propriety of any decision taken, order passed or proceedings made in respect thereof and if it appears to the Collector that any such decision, order or proceedings should be modified, annulled or reversed or remitted for reconsideration, he may pass orders accordingly:
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> Provided that no such order adversely affecting any person shall be passed under this Section unless he had an opportunity of making a representation.
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> * * * * * * *

[3]. 2018(1) ALD 290

> **"27.** The Collector is given power of entertaining revision either suo motu or on an application filed by an aggrieved party. The Collector in a pending revision is entitled to call for and examine the record of order under revision viz. from (a) recording authority, Mandal Revenue Officer or Revenue Divisional Officer under Sections 3, 5, 5A or 5B in respect of any record of right prepared or maintained to satisfy himself as to the regularity, correctness, legality or propriety of any decision taken, order passed or proceedings made in respect thereof. (b) The Collector has jurisdiction to modify, annul, reverse or remit for reconsideration of a decision, order or proceedings made in respect of record of rights. From plain construction of Section 9, this Court is of the view that the revisional jurisdiction of Collector embraces different situations warranting interference by him and thus ensures maintenance, preparation or continuation of record of rights on the touch stone of the entries being regular, correct, legal or propriety. I would refer to Ramanatha Aiyers Law Laxicon and *Websters Dictionary* for excerpting the meaning of the words viz. Regularity; correctness; legality and propriety.
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> **35.** Having regard to the scope of Section 9 of the Act, a person, if aggrieved against an entry made or maintained in record of rights or continued to be maintained by recording authority can file revision under Section 9 of the Act. Likewise on the same analogy the aggrieved person can file revision against the issuance of PPP/TD. The Collector is obliged by the revisional jurisdiction he enjoys to examine all the aspects namely regularity, correctness, legality or propriety in the issue of PPP/TD and pass orders on the entries in record of rights and also on the legality or otherwise of PPP/TD against which revision is made before him. This Court is of the view that by adopting the above interpretation to Section 9 and Section 6-A of the Act before a litigant is compelled to work out the remedies under Section 8 of the Act, can avail the remedy within the framework of the Act by filing revision and obtain orders in this behalf. The point is answered by holding that in cases where the PPP/TD is issued either in breach of sub-section (2) of Section 6-A of the Act or otherwise particularly without an order or proceeding under Section 5 of the Act, an aggrieved party is not without remedy and legal wrong can be canvassed by fling revision under Section 9 of the Act. The remedy available under Section 8 of the Act is always independent and a party if advised, whether before filing the revision or after awaiting the outcome of revision, can work out the remedy of establishing title etc. before the competent civil Court. The other remedies referred in Ratnamma case are to be understood as held in this order."

In view of the observations made in the above decision, if a person is aggrieved by issuance of pattadar passbooks and title deeds, he can file a revision under Section 9 of the Act.

13. The conspectus of the above would indicate that the petitioner, if aggrieved by the entries in revenue records has to approach the preliminary authority and avail the remedies provided under Section 5(3) of the Act and in case of refusal, he can approach the Revenue Divisional Officer under Section 5(5) of the Act and thereafter prefer revision under Section 9 of the Act. Further, issuance of pattadar or/and Title deed passbook since only a consequential act and entries in PPB/TD are mere reflection of entries of 1-B Register, without getting modification of the revenue records, the petitioner cannot challenge the issuance of pattadar/title deed passbooks.

14. In view of the above, the Revenue Divisional Officer, who is an appellate authority, cannot consider and decide the representation of the petitioner either for modification of the records or for cancellation of the pattadar passbooks, without there being orders of the preliminary authority under Section 5(3) of the Act and therefore, no mandamus as sought by the petitioner can be granted.

15. Accordingly, the writ petition is disposed of, granting liberty to the petitioner to pursue her remedies as per the provisions of the A.P.ROR Act. There shall be no order as to costs.

JUSTICE RAVI CHEEMALAPATI

23rd July, 2026.

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