

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 12902 of 2015

ORDER:

Petitioner challenging the letter dated 24.04.2015 in Rc.No.A/525/2015, addressed by the 4th respondent-Tahsildar, Atmakur Mandal, to the Station House Officer, Atmakur, filed this Writ Petition.

Sri A. Prabhakar Rao, learned counsel for the petitioner brings to the notice of the Court that in September, 2013 the then Tahsildar, while addressing a letter to the 3rd respondent-Revenue Divisional Officer, Warangal, had stated that Smt. V.Sarojini W/o Lingaiah, the mother of 5th respondent, was issued pattadar passbooks on 10.06.2006, however, the said fact was not recorded in the office records, but unique number put on the pattadar pass books. Thereafter, Sri Vakkala Satish, after the death of his mother viz., Smt. V.Sarojini had submitted an affidavit and he was issued Pattadar Pass Book and Title Deeds in his favour. Whereas, in the present letter dated 24.04.2015 addressed by the 3rd respondent-Tahsildar, it is recorded that Vakkala Satish S/o Lingaiah has been recorded as pattadar and possessor of a land which is in dispute. As a matter of fact, as against the order dated 10.06.2006 passed by the then Tahsildar, mutating the name of 5th respondent's mother and issuance of pattadar pass book and title deed, an appeal has been filed by the petitioner before the 3rd respondent-Revenue Divisional Officer, Warangal, under Section 5(5) of the A.P. Records of Rights in Land and Pattedar Pass Books Act, 1971 (in short "the Act") and the same is pending. Further, a criminal case filed by the petitioner against the respondent No.5 and others for alleged trespass, is likely to be jeopardized on account of the communication issued by the Tahsildar to the SHO, Athmakur.

Perused the record. A close scrutiny of letter dated 24.04.2015 would reveal that the same is in response to the letter dated 24.04.2015 from the SHO, Athmakur. The 4th respondent-Tahsildar in his letter has stated as follows:

"In this regard it is to inform you that the village Revenue Officer, Katakshapur Village has enquired into the matte and reported that as per the current pahani the name of Sri Vakkala Sathish S/o

Lingaiah has been recorded as Pattadar and possessor of the land to an extent of Ac.0-34 gts., in sy.No.150 of Katakshapur village of Athmakur Mandal and as per the 1-B Record the above individual has also obtained PPB's/TD's in respect of the above subject land vide Khatha No.(140)."

A close reading of the said para only indicate that the Tahsildar by himself is not stating anything with regard to either possession or of the status on the ground, he is only intimating the facts basing on the record existing as on that particular date. The said communication cannot be read in any manner neither converting nor depriving the rights of either of the parties. The validity or otherwise of the Pattadar Pass Books said to have been granted in favour of the 5th respondent and the entitlement of the petitioner to get Pattadar Pass Book and Title Deeds in his name, are the matters which are required to be decided independently in the appeal by the appellate authority. In that view of the matter, the Writ Petition is disposed of with a direction to the respondent No.3-Revenue Divisional Officer, Warangal to dispose of the Appeal No.5916/2013, uninfluenced by the exchange of communication either letter of the then Tahsildar in September, 2013 or the communication of the 4th respondent-Tahsildar dated 24.04.2015, but independently based on the material and on the submissions that may be made by the respective parties.

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

CHALLA KODANDA RAM, J

Date:28.04.2015.

SSV