

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.12515 OF 2015

ORDER:

This writ petition is filed by the petitioners seeking a direction to the respondents not to change / remove the names of the petitioners in the Revenue Records with respect to the lands covered by D.Nos.21-1C, 105/2, 105/2A1, 105-2D situated at Hasanabad Village and D.Nos.106-2C/1 situated at Garikapadu village, Guntur District, on any application made by the third parties for amendment of revenue records under Section 4 and 5 of A.P. Rights in Land and Pattadar Pass Book Act, 1971 (in short “the Act”) without conducting any enquiry as prescribed under Sec.5(3) r/w Rule 6, 9 and 20 of the Act and Rules 2001.

The case of the petitioners are that all the petitioners are owners of small extents of lands and recognizing their ownership and title, pattadar pass books and title deeds were issued and their names were mutated in the revenue records maintained by the revenue authorities from time to time. Petitioners came to know that certain third parties are seeking to get their names mutated in the revenue records replacing the names of the petitioners. Having come to know about the same, the petitioners got issued a notice through one Sri C. Venkataramaiah, Advocate on 06.04.2015 setting out the details how the petitioners acquired the land. Now the petitioners’ apprehension is that in spite of the notice given on behalf of the petitioners the same may not be considered. Hence, this writ petition.

Heard the learned counsel for the petitioners as well as the learned Government Pleader for Revenue (AP).

A perusal of the documents placed on record would reveal that the petitioners have acquired these properties through registered sale deeds and the pattadar pass books also came to be issued in their names as mentioned below:

Sl. No.	Name of the Petitioner	Extent of land	Covered by	Regd.Sale Deed No. & Date
1	Sk.Makthum Bibi	Ac.1-00 cts.,	D.No.121-1C of Hasanabad (V)	Doct.No.87/84 30.01.1984
		Ac.1-00 cts.,	“ “	Doct.No.171/92 25.02.1992

2	Sk.Gudipati Asha Bi	Ac.0-80 cts.,	D.No.121-1C of Hasanabad (V)	Doct.No.172/92, 25.02.1992.
3	Nimmakayala Mahaboob Vali	Ac.0-58 cts., (On measurement Ac.0-82 cts.,)	D.No.105/2D of Hasanabad (V)	Gift Deed Doct. No.245/2009, 26.02.2009.
4	Kesaboyina Chinarama Kotaiah (Father of 4 th petitioner)	Ac.1-25 cts.,	D.No.105/2A1 of Hasanabad (V)	Doct.No.422/88, 01.06.1988
5	Sk.Amaravathi Mahaboob Subhani	Ac.0-50 cts.,	D.No.105-2 of Hasanabad (V)	Doct.No.235/2009, 24.02.2009
6	Sk.Kandipati Dariya Hussain & Sk.Kandipati Hassan	Ac.0-50 cts., Ac.0-50 cts.,	D.No.106/2C/1 of Garikapadu (V)	Doct.Nos.1514/97 & 1512/97, 12.12.1997
7	Sk.Kandipati Hassan	Ac.0-50 cts.,	D.No.105-2D at Hasanabad (V)	Under agreement of sale dt.29.11.1995 f r o m Gude Lakshmamma, who purchased under Regd.sale deed No.964/89, Dt.24.07.1989
8	Gude Hanumantha Rao	Ac.1-50 cts.,	D.No.106/2C-1 (wrongly noted as 22/2B) at Garikapadu (V)	Doct.No.1116/06 Dt.19.06.2006
		Ac.0-50 cts.,	“ “	Doct.No.1334/02, 12.09.2002
		Ac.0-50 cts.,	“ “	Doct.No.1513/97, 12.12.1997
9	Sk. Nimmakayala Saida Saheb	Ac.1-50 cts.,	D.No.22/2B at Garikapadu (V)	Doct.No.1116/06 Dt.19.06.2006
		Ac.0-50 cts.,	D.No.22/2B at Garikapadu (V)	Doct.No.1334/02 Dt.12.09.2002

Any changes to be made in the revenue records for whatever reasons under Sec.3(3) of the Act can be done only within one year at the instance of any person approached. It is the specific assertion of the petitioners that after purchase of the subject lands, they were issued pattadar pass books and title deeds in their favour and mutated their names in the revenue records. Further, it is the specific assertion of the petitioners that their names continued to be in the revenue records. Any application seeking alteration/amendments in revenue records shall be required to be made and considered in terms of Sections 4 and 5 read with Rules 6, 9 and Rules 15 to 20. Section 5 (2) of the Act read with the Rules mandates issuance of notice to all the affected parties. In that view of the matter, the revenue authorities are well advised to take into consideration of the objections filed by the petitioners through their lawyer's notice dated 06.04.2015 and further issue notice and opportunity to enable them to put forward their objections, if any. In the event the petitioners required opportunity of hearing, the same also shall be provided. This would be in conformity with Section 5(3) of the Act and other relevant Rules apart

from satisfying the principles of natural justice.

With the above observations, the writ petition is disposed of at the admission stage. There shall be no order as to costs. Miscellaneous Petitions, pending if any in this writ petition, shall stand closed.

Date: 27.04.2015
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JUSTICE CHALLA KODANDA RAM