

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No. 4602 of 2015

DATE: 26.02.2015

Between:

Bolla Narayan Reddy
and three others

.. Petitioners

And

1. The State of Telangana
 2. The District Collector
 3. The Tahsildar
 4. Mohan Reddy
- Respondents

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ORDER:-

The petitioners assert that they are absolute owners and possessors of an agricultural land admeasuring Ac.4.33 guntas in Sy.Nos.445 to 448 situated in Veerlapally village, Kottur Mandal, Mahabubnagar District. While so, it is stated that the 4th respondent, claiming share in the above land and also in the land in Sy.Nos.132 and 133 situated in Edulapally village, filed O.S.No. 233 of 2005 on the file of the Junior Civil Judge's Court, Shadnagar wherein petitioner Nos.1 and 2 are impleaded as 4th and 5th defendants and the husbands of the 3rd and the 4th petitioners respectively are added as defendant Nos.6 and 7, and the petitioners filed written statement denying the share of the 4th respondent in respect of the lands situated in Veerlapally and Edulapally villages and claimed title in respect of the lands by virtue of adverse possession, and the trial Court, while dismissing the suit held that the 4th respondent relinquished his rights in respect of the land in Veerlapally village and the petitioners have perfected their title by virtue of adverse possession. However, the 4th respondent, by prevailing upon the revenue authorities, got mutated his name as pattadar in respect of the land in Veerlapally village. Then, the petitioners filed application dated 27.09.2014 seeking correction of entries in the revenue

records in their favour, and the 2nd respondent-District Collector, vide proceedings dated 16.10.2014 forwarded the application to the 3rd respondent – Tahsildar to take immediate action and carry out corrections in the patta column for the land admeasuring Ac.4.33 guntas situated in Veerlapally village in terms of the findings recorded by the trial Court. Now, the petitioners' grievance is that the 3rd respondent has neither considered their representation dated 27.09.2014 nor taken any steps for correction of entries in the revenue records in their favour especially in terms of the judgment delivered in O.S.No.233 of 2005. Hence, the present writ petition is filed seeking appropriate directions.

Heard the learned counsel for both the parties and perused the material placed on record.

Even though the petitioners made an application dated 27.09.2014 to the District Collector, the fact remains that in view of Sections 4 and 5 of the A.P. Rights in Land and Pattadar Passbooks Act, 1971 (for brevity "the Act") read with Rules made thereunder, the appropriate authority to make correction of entries in the revenue records is the Mandal Revenue Officer, the 3rd respondent herein and certain procedure is also prescribed therein for correction / mutation of names in the revenue records. In terms of the procedure prescribed, the interested party shall make an application in Form VI-A intimating the acquisition of rights in terms of Section 4 of the Act read with Rule 18 of the Rules made thereunder by enclosing all the necessary documents to support the claim. On submission of such application in the

prescribed Form, the matter shall be enquired into and thereafter necessary orders would be passed by the competent authority.

The petitioners do not state anywhere in the affidavit that necessary application in the prescribed Form has been made before the competent authority.

In such circumstances, the writ petition is disposed of giving liberty to the petitioners, if they are so advised, to approach the competent authority i.e. the 3rd respondent – Tahsildar to file an application in the prescribed Form along with necessary documents and seek correction / mutation of their names in the revenue records in accordance with law. As and when such application is filed, the authorities shall dispose of the same after due enquiry and after issuance of notices to the parties concerned. Such exercise shall be completed within a period of three months from the date of filing such application by the petitioners.

With the above direction, the writ petition is disposed of. No order as to costs.

As a sequel to the disposal of the writ petition, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

CHALLA KODANDA RAM,

J

26.02.2015

bcj