THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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WRIT PETITION No. 12279 of 2015

ORDER:

Aggrieved by the action of respondents 2 to 4 in not rectifying the entries in revenue records in respect of the agricultural land in an extent of Ac.1-57 cents in Survey No.76/1C of Kesanupalli village, Narsaraopet mandal, Guntur district, though the petitioner submitted a representation on 02.02.2015, this writ petition is filed.

2. The averments in the writ affidavit, in brief, are that the petitioner is the owner and possessor of the agricultural land in an extent of Ac.1-57 cents in Survey No.76/1C of Kesanupalli village, Narsaraopet mandal, Guntur district, through a registered Gift Deed bearing Document No.3048 of 2002 dated 14.05.2002 of Sub-Registrar's Office, Narsaraopet., executed by Mr. Mallavarapu Jayaprasad and Sundraraju and witnessed by Smt.P.Jayarani and the 5th respondent, who are the children of one Mallavarapu Bala Sowraiah who is the brother-in-law of the petitioner. While so, the 4th respondent-Tahsildar, without following the due process of law for mutating entries in revenue records, entered the name of the 5th respondent as title holder of the subject property. Questioning the illegal mutation, the petitioner submitted a representation on 02.02.2015 to the 2nd respondent-District Collector during 'Prajavani'. The 2nd respondent made an endorsement on the said representation directing the 3rd respondent-Revenue Divisional Officer, but no enquiry is conducted till date and no action is taken on the representation of the petitioner. Hence, this writ petition.

3. Heard learned counsel for the petitioner and the learned Government Pleader.

4. This Court, while dealing with a similar issue in W.P.No.2913 of 2015, by order dated 12.02.2015, observed as under:

> *"It is not in dispute that as on the date of application by the petitioners to the District Collector, third parties names were appearing in the revenue records against the properties to which the petitioners are claiming right. In other words,*

the petitioners are seeking substitution of their names in the place of the names already recorded in the revenue records. Entries in the revenue records reflecting a party's name relate to the proceedings of the Tahsildar under Section 3 of the Act. It is not the case of the petitioners that at the time when the names of the said third parties were initially recorded (the date & details of which are not mentioned by the petitioners in the writ petition), the claim of the petitioners was also there before the Mandal Revenue Officer, who was exercising powers under Section 3 of the Act. Once such exercise as required under Section 3 of the Act is completed by the Tahsildar, except clerical errors, only the District Collector, under Section 9 of the Act, is empowered to order any corrections to the existing entries. Exercise of power under Section 9 of the Act could be done by the revenue authority either suo motu or on an application. In that view of the matter, the proceedings dated 30.5.2014 issued by the District Collector directing the 2nd respondent to treat the application of the petitioner as suo motu appeal and pass appropriate orders in terms of Rules framed under the R.O.R Act are totally unmeaning. It is unfortunate that the highest authority of the District enjoined with the duty and functions of revisional authority has not even looked into the provision before mechanically directing the RDO to exercise power of appeal which power is not conferred upon the RDO by the Statute. In the facts of this case, this Court has no hesitation to say that neither the District Collector nor the RDO have applied their mind, instead they had mechanically pushed the papers down to their subordinates.

Similarly, in W.P.No.558 of 2015, this Court by order dated 11.02.2015 held as follows:

"A perusal of Sections 3 to 5 and 9 of the Act leave no manner of doubt that the Tahsildar is not vested with any powers to make corrections either suo motu or on an application except at the time of making entries for the first time in terms of the notification issued under Sections 3(1), 3(2) of the Act. Any corrections in relation to the entries could be made in the given circumstances satisfying Section 3(3) of the Act within one year. If the case requiring corrections of the revenue records beyond the time limit of one year, necessary orders can be passed only by the District Collector in exercise of the revisional powers and the Tahsildar is not vested with any such power. In that view of the matter, liberty is given to the petitioner to approach the 2nd respondent-District Collector, and submit an application ventilating his grievance and seek redress. On submission of such application, the 2nd respondent-District Collector shall dispose of the same within a period of six months."

4. Though the petitioner submitted a representation alleging illegal mutation, such

representations have no place when the matter is governed by statutory provisions. In the circumstances, the District Collector is directed to call for the record and exercise powers conferred upon him under Section 9 of the Act to redress the grievance of the petitioner within a period of three months from the date of receipt of a copy of this order.

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

Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

CHALLA KODANDA RAM, J

24th April, 2015

KSM