THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

Writ Petition No.11385 of 2015

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ORDER:

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In this writ petition, the endorsement dated 06-02-2015 made by the Tahsildar, the 3rd respondent herein is challenged.

The endorsement reads as under:

> "With reference to the subject cited, it is to inform that the Hon'ble Junior Civil Judge, Shadnagar has decreed the plaintiffs as owners, entitled for recovery of possession, permanently restrained the defendants and dismissed the relief sought for deletion of names of defendants from the Pattedar column in Revenue records, hence your request for carrying on changes in Revenue records basing on Decree in O.S.No.33 of 2007 cannot be considered".

The averments in the writ petition as well as the material placed on record reveal that one Kavali Hanmaiah,

S/o. Buchaiah, along with two others, filed O.S.No.33 of 2007 before the learned Junior Civil Judge, Shadnagar, for the relief of declaration of title and perpetual injunction in respect of the suit schedule properties and for recovery of the same. The relief of deletion of the names of the defendants from the pattadar column in the revenue records was also sought.

Heard the learned counsel for the petitioners and learned Government Pleader for Revenue.

The defendants are related to each other. The learned Junior Civil Judge decreed the suit, but however, the relief relating to deletion of the names of the defendants from pattadar column in the revenue records was rejected.
The observation of the Court below reads,

> "…since the plaintiffs have not made concerned revenue officials as parties to the suit to establish that they made representation for corrections of revenue records by deleting the names of the defendants in respect of the suit schedule properties, the plaintiffs are not entitled for relief of correction of revenue entries in respect of the suit schedule properties."

In view of the decree passed by the trial Court,
the petitioners have approached the Tahsildar,
the 3rd respondent herein, by filing an application in Form-VI,
on 20-01-2015, seeking to mutate their names in terms of the decree. The said application was rejected with the endorsement, which was referred to in the preceding paragraph.

A perusal of the endorsement reveals that the
3rd respondent did not apply his mind to the factors that are required to be considered. The trial Court, however, did not grant any relief for correction in the revenue records, in respect of the suit schedule property, since the authorities of the revenue department are not made as parties. Whatever may have been the justification of the trial Court, the fact, however, remains that such relief was refused only on technical ground. At any rate,
it is within the exclusive power and domain of the authorities,
in terms of Sections 4 and 5 of A.P. Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act') read with Rule 9 of the Rules made thereunder, to consider any application made
for corrections/alternations in the revenue records, and thereafter, to issue pattadar pass books. As a matter of fact,
the jurisdiction of the Civil Courts is barred in terms of Section 8(1) of the Act, to make any corrections/alterations in the revenue records, and for this purpose, the procedure prescribed under the Act has to be followed. It is relevant to extract

Section 4 of the Act, which reads as under:

> "**Sec.4** (1) Any person acquiring by succession, survivorship, inheritance, the partition, Government patta, decree of a court or otherwise any right as owner pattadar, mortgagee, occupant or tenant of a land and any person acquiring any right as occupant of a land by any other method shall intimate in writing his acquisition of such right, to the Mandal Revenue Officer within ninety days from the date of such acquisition, and the said Mandal Revenue Officer shall give or send a written acknowledgement of the receipt of such intimation to the person making it:

Provided that where the person acquiring the right is a minor or otherwise disqualified, his guardian or other persons having charge of his property shall intimate the fact of such acquisition to the Mandal Revenue Officer.

> (2) Notwithstanding anything contained in the Registration Act, 1908, every registering officer appointed under the Act and registering a document relating to a transaction in land, such as sale, mortgage, gift, lease or otherwise shall intimate the Mandal Revenue Officer of the Mandal in which the property is situate of such transaction.

Explanation I.--The right mentioned above shall include a mortgage without possession and a right determined by civil court.

Explanation II.-- A person in whose favour a mortgage is discharged or extinguished, or a lease is determined, acquires a right within the meaning of this section." (Emphasis supplied)

In the instant case, the claim of the petitioners is based upon the judgment and decree passed by the learned Junior Civil Judge, at Shadnagar in O.S.No.33 of 2007, which squarely falls within the scope of Section 4 of the Act. Section 4, however, casts burden on the 3rd respondent to take necessary steps in accordance with the relevant Rules.

In that view of the matter, the writ petition is allowed and the endorsement dated 06-02-2015, made by the Tahsildar, Kondurg Mandal, Mahaboobnagar District, the 3rd respondent herein, is set aside with a direction to process the application of the petitioners dated 20-01-2015 and pass appropriate orders under Section 5(3) of the Act.

The miscellaneous petition filed in the writ petition shall also stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J.

Dt.21-04-2015.

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