HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.12323 OF 2015

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ORDER:

This writ petition is filed by the petitioner seeking to declare the action of the respondents 2 to 4 in not passing the orders on his representation dated 30.03.2015 for deleting the name of the respondent No.6 in the revenue records as pattadar and possessor in respect of land to an extent of Ac.0-24 guntas in Sy.No.194/A and extent of Ac.0-36 guntas in Sy.No.195/A, situated at Narketpally village and Mandal, Nalgonda District by recording the name of Jani Miya as pattadar and possessor by declaring that the entries in respect of the above said land are not binding on the petitioner and consequently to set aside the wrong entries made in respect of above land.

It is the case of the petitioner that one Late Kabeer Miya is his grandfather and one Jani Miya is his maternal uncle. Kabeer Miya acquired an extent of Ac.3-07 guntas in Sy.Nos.194 and 195 situated at Narketpally Village, Nalgonda District and after the death of Kabeer Miya, as per the pahanies for the years 1954-55, 1989-90, 1991-92 and 1992-93, his son Jani Miya was shown in the revenue records as pattadar and possessor of land an extent of Ac.1-13 guntas in Sy.No.194 and Ac.1-32 guntas in Sy.No.195. However, as per the pahani for the years 1994-95, 1995-96, 1996-97 and 1997-98 the name of 6th respondent was shown as pattadar and possessor of the land an extent of Ac.0-29 guntas in Sy.No.194/aa and an extent of Ac.0-36 guntas in Sy.No.195/aa, whereas Jani Miya was shown as owner and possessor to an extent of Ac.0-24 guntas in Sy.No.194/A and Ac.0-36 guntas in Sy.No.195/A. It is further submitted that as per the pahani for the year 2000-2001 the name of 6th respondent shown as pattadar and possessor of the entire extent of lands in Sy.Nos.194 and 195, without there being any valid title or right. Having come to know about the same, on 24.01.2014 the petitioner approached the 3rd respondent-Revenue Divisional Officer, Nalgonda District by filing an application under R.T.I. Act, seeking to furnish the amendment registered copies through which the name of the 6^{th} respondent was changed as pattadar and possessor, on which the 3^{rd} respondent directed the 4^{th} respondent-Tahsildar, Narketpaly Mandal through N.Dis.No.C/398/2014, dated 25.01.2014 to furnish the information as sought for. Accordingly, the 4^{th} respondent issued Memo No.A/196/2014, dated 13.02.2014 to the 6^{th} respondent directing her to furnish the required documents as to how she acquired the said land within seven days. A Final Notice No.A/116/2014, dated 15.03.2014 was also issued by the 4^{th} respondent to the 6^{th} respondent calling for her explanation and he also opined that the amendments carried out in the revenue records seems to be false. After that respondent Nos.3 and 4 did not initiate any steps to delete the name of the 6^{th} respondent and record the name of Jani Miya in respect of the lands held by him. Therefore, on 30.03.2015, once again he approached the respondents 2 to 4 with a prayer to rectify the wrong entries in the revenue records with regard to the subject lands. It is also submitted that he filed an application dated 30.03.2015 before the 5^{th} respondent-Sub-Registrar, Narketpally with a request not to entertain any sale deeds in respect of their land, but on the same day 5^{th} respondent informed him that he had no power to stop the registration and advised to approach the proper forum. Since no action has been taken on his application dated 30.03.2015 filed before the respondents 2 to 4, he filed the present Writ Petition.

The learned counsel for the petitioner submits that the writ petition is filed seeking a direction to the respondents 2 to 4 to take necessary action on the application dated 30.03.2015 filed by the petitioner and further to direct the respondents 2 to 5 not to entertain any documents supposed to be filed by the 6^{th} respondent for transfer of her right in respect of land to an extent of Ac.0-24 guntas in Sy.No.194/A and an extent of Ac.0-36 guntas in Sy.No.195/A situated at Narketpally Village and Mandal of Nalgonda District.

On the other hand, learned Assistant Government Pleader for Revenue (Telangana) submits that the District Collector is the competent authority under Section 9 of the A.P. Rights in Land and Pattadar Pass Books Act, 1971 (in short “the Act”) to make any corrections under the Act, except the correction on account of clerical errors. He further submits that the petitioner may be directed to approach the District Collector invoking Section 9 of the Act and it would be obligatory for the District Collector to consider his application and pass appropriate orders.

It is not in dispute that as on the date of application by the petitioner to the District Collector, the name of 6th respondent was appearing in the revenue records against the properties to which the petitioner is claiming right on behalf of one Jani Miya. In other words, the petitioner is seeking substitution of the name of Jani Miya in the place of name of 6th respondent-Myla Suramma, whose name already recorded in the revenue records. Entries in the revenue records reflecting a party's name relates to the proceedings of the Tahsildar under Section 3 of the Act. It is not the case of the petitioner that at the time when the name of the said 6th respondent was initially recorded, the claim of the petitioner 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 W.P.No.558 of 2015, this Court by its order dated 11.02.2015 had 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."

In the circumstances, the 2nd respondent-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 3 months from today in accordance with law.

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.

JUSTICE CHALLA KODANDA RAM

Date: 24.04.2015

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