HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No. 933 of 2011

DATE: 19.02.2015

Between:

Rambagh Yadagiri .. Petitioner

and

1. The Joint Collector, R.R.Dist.
2. B. Narsing Rao .. Respondents

O R D E R:-

The petitioner asserts that his father, late Rambagh Narayana was the original assignee of the government land admeasuring Ac.3.23 guntas which forms part of total extent of Ac.252.36 guntas of land in Sy.No.25/1 situated in Pet-Basheerabad village, Qudbullapur Mandal, Ranga Reddy District and the petitioner being legal heir of the original assignee inherited the subject lands. While so, it is stated that the Tahsildar, vide proceedings dated 21.02.2008, reported to the Collector that while the name of the 2nd respondent - B.Narsing Rao is recorded as pattadar in the pahanies from 1969-70 till date, the name of the original assignee is recorded as pattadar up to 1967-70. Then, the petitioner made a representation to the 1st respondent-Joint Collector requesting him to correct the entries in the revenue records by deleting the name of B. Narsing Rao and entering the names of legal heirs of the original assignee. Now, the petitioner's grievance is that the 1st respondent, without considering his representation for correction of entries under relevant provisions of the Record of Rights Act, dismissed his claim by order dated 02.09.2009. Hence, the present writ petition is filed seeking appropriate directions.

The learned counsel for the petitioner has submitted that the land was assigned to the petitioner's father and the entries in the revenue records were altered from the year 1969 onwards in favour of the 2nd respondent. Even assuming that the petitioner's father alienated the land, the same would be hit by prohibition contained under Section 3 of the A.P. Assigned Land (Prohibition and Transfers) Act, 1977 (for brevity "the Act") and the 1st respondent has not considered this aspect in his order. It is further submitted that the

1st respondent neither caused any enquiry nor issued any notice to the 2nd respondent. He further submits that there is no limitation with respect to annulment of alienation made in violation of the Act and there is a duty cast on the

1st respondent to enquire into the matter and take appropriate action as contemplated under Sections 3 and 4 of the Act and this duty has not been performed by him. The learned counsel has further submitted that Section 5 of the Act obligates the revenue authorities to cause enquiry about the petitioner's claim on the representation made by him and in that view of the matter the 1st respondent ought not to have rejected his claim.

On the other hand, the learned Government Pleader for Revenue appearing for the 1st respondent has submitted that the petitioner's representation before the 1st respondent is devoid of any details especially material particulars and the same was admittedly made at a belated stage seeking correction of the entries in the revenue records right from 1969 till date. In that view of the matter, the

1st respondent rightly refused to enquire about correction of entries in the revenue records. It is further submitted that if the 1st respondent, while considering the representation, discharged his functions under Section 9 of Record of Rights Act and the scope of enquiry under that Act is limited, and if the petitioner was really aggrieved and has any cause of action under Act 3 of 1977, the petitioner ought to have approached the authorities under that enactment and in that view of the matter, the learned Government Pleader submits that it is the petitioner who is to be blamed and the order passed by the 1st respondent does not warrant any interference.

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

The factual aspects of the matter are not in dispute. The order of the 1st respondent copiously extracts the written arguments filed by the petitioner wherein the contention is that the land in Sy.No.25/1 was originally assigned to his father and the same was not alienated by his father. The land is in occupation of the 3rd parties and the same may be resumed by initiating proceedings under the A.P. Assigned Land (Prohibition of Transfers) Act, 1977. The 2nd respondent's name is entered illegally based on a document No. 389/66. The contention of the petitioner that his father did not alienate the land was not adverted to and no finding as such has been given. Neither his father nor his legal representatives were issued any permission under Section 58-A of A.P. (Tenancy Area) Land Revenue Act. In the above fact situation, the petitioner seeks corrections of entries in the revenue records and for issuance of pattadar passbooks.

On the one hand, the petitioner claims that his father did not alienate the property and on the other hand he contends that even assuming that his father alienated the land, his case is entitled be to considered under Section 3(5) of the Act is totally unmeaning. The application made by the petitioner is for correction of entries in the revenue records. The petitioner has not filed any documents to support his case. It is for the petitioner to put forth his specific grievance with the support of the documents and it is not for the authorities especially after a period of 39 years to undertake an exercise as to why and in what circumstances, the name of the 2nd respondent came to be substituted in the revenue records. Hence, this Court is of the opinion that the order of the 1st respondent not entertaining the petitioner's representation cannot be found fault with.

However, it is made clear that the rejection of the representation / revision petition by the 1st respondent shall not be construed as debarring the petitioner from approaching proper and competent authorities when the petitioner has definite and concrete material in his hands and he can make a representation / petition under relevant provisions. As and when such representation / petition is made, the respective authorities shall consider the same in accordance with law and subject to limitation and maintainability.

With the above observation, 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

19.02.2015

bcj