HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

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WRIT PETITION No.4839 OF 2015

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ORDER:

This writ petition is filed by the petitioner seeking to declare the inaction of respondent No.2 in not disposing the appeal petition filed by him on 07.02.2011 seeking cancellation of the pattadar passbooks and title deeds issued by the 3rd respondent-Tahsildar, Pathikonda Mandal in favour of the 4th respondent, as illegal and arbitrary and consequently direct the respondent No.2 to dispose of the appeal as expeditiously as possible.

It is the case of the petitioner that he along with his family members are the absolute owners and possessors of the land over an extent of Ac.8-00 cents situated in Sy.Nos.115, 116 and 117 of Pathikonda Village and Mandal, Kurnool District. It is also stated that without there being any manner of right, title or claim over the subject land and without there being any enquiry, 3rd respondent issued pattadar passbooks and title deeds in favour of the 4th respondent. Petitioner further submits that even though he has submitted an application on 07.02.2011 itself bringing the fact of mistake in the revenue records, no action has been taken by the respondents so far.

The learned counsel for the petitioner submits that the writ petition is filed seeking a direction to the respondents to take necessary steps for disposal of the appeal petition filed by the petitioner seeking cancellation of pattadar passbooks and title deeds issued by the 3rd respondent in favour of the 4th respondent.

On the other hand, Sri S. Srinivasa Rao, learned Assistant Government Pleader for Revenue 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 (for 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, seeking correction of such entries and he alone is the competent authority to direct any entries to be modified in one way or the other.

A perusal of Sections 3 to 5 and 9 of the Act leave no manner of doubt that the Revenue Divisional Officer or 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 Revenue Divisional Officer or the Tahsildar are not vested with any such power. In that view of the matter, liberty is given to the petitioner to approach the District Collector, and submit an application ventilating his grievance and seek redress. On submission of such application, the District Collector shall dispose of the same as expeditiously as possible, preferably within a period of six weeks from the date of receipt of the copy of this order.

With the above observation, the writ petition is disposed of. No order as to costs. Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

JUSTICE CHALLA KODANDA RAM

Date:01.04.2015

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