

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH

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WRIT PETITION No.30305 of 2015

BETWEEN

Chimbili Lakshamma.

... PETITIONER

AND

The State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue Department,
Secretariat, Hyderabad and others.

...RESPONDENTS

DATE OF JUDGMENT PRONOUNCED: 05.10.2015

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

1. Whether Reporters of Local newspapers may be No
allowed to see the Judgments?
2. Whether the copies of judgment may be marked No
to Law Reporters/Journals?
3. Whether Their Ladyship/Lordship wish to see the No
fair copy of the Judgment?

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ORDER:

Petitioner submits that her name was included in the revenue record after demise of her husband with respect to an extent of Ac.2.48 cents in Sy.No.130C and Ac.1.60 cents in Sy.No.123A of Guntakal village and Mandal, Anantapur District. Petitioner further submits that the name of the fourth respondent was entered in the revenue record by deleting her name in respect of the aforesaid land. In view of that, the petitioner approached this Court by this writ petition complaining that her name recorded cannot be deleted and the name of the fourth respondent cannot be included in her place in the revenue record.

2. On the earlier date of hearing, learned Government Pleader, who had taken notice, was required to get instructions.

3. Learned Government Pleader has filed a counter affidavit on behalf of the third respondent stating that the then Tahsildar issued pattadar pass books and title deeds in the name of petitioner's husband and after his demise, the name of the petitioner was recorded in the pattadar pass books with khata No.8. The then Tahsildar also issued pattadar pass books to the fourth respondent in khata No.2 and as a consequence, it was noticed that the entries of land with regard to the petitioner and the fourth respondent are more than the extents of land as shown in the diglot i.e. RSR. In view of that, both parties were stated to have been given endorsement that the extents mentioned in the revenue record are more than what is found in the RSR and that awaiting response from the petitioner and the fourth respondent,

the web land entries are kept pending for further enquiry. Para 7 of the counter affidavit

specifically states as follows:

“7. It is submitted that the land in schedule is a private patta land, the pattadars have not been produced the any documentary evidences and partition deed document. In their pattadar pass books more extent is entered rather than the RSR extent. Hence the endorsement was issued to the petitioner, and 4th respondent, Total extent is not tallied hence the online entries in web land are kept pending for further enquiry. After enquiry, the entries will be entered in web land. The contentions of the petitioner are vague and baseless.

It appears that she has made the application through same instigation by vested interested, there for the petition deserves no consideration and it is liable to be dismissed.”

4. Learned counsel for the petitioner states that the endorsement was actually given to the petitioner to approach the civil Court.

5. However, the aforesaid para 7 in the counter affidavit of the third respondent clearly shows that it is the Tahsildar, who proposes to make an enquiry and for that purpose, has required the petitioner and the fourth respondent to approach her with the supporting documents in respect of their respective claims. Hence, the entries, whatever existing in the name of the petitioner and the fourth respondent, require appropriate verification with reference to the village records, pattadar pass books and the documents to be produced by the petitioner and the fourth respondent. Since neither the petitioner nor the fourth respondent has approached the third respondent with necessary documents, it would be just and appropriate to permit the petitioner and the fourth respondent to approach the third respondent with all their respective supporting documents and to further direct the third respondent to consider the respective claims of the parties and pass appropriate orders in accordance with law expeditiously.

The writ petition is disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

October 5, 2015

DSK