

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.6239 of 2015

ORDER:

This writ petition is filed by the petitioner seeking writ of *Mandamus* declaring the inaction of the 3rd respondent in mutating the name of the petitioner in the revenue records and issuance of pattadar pass books and title deeds in respect of the land in Sy.Nos.652/A, B and C, 668/A and B, 669/A and B situated at Urus Shivar, Warangal Mandal and District, in spite of submitting the application dated 15.09.2014 in the prescribed Form-VI-A, as illegal and arbitrary.

2. The case of the petitioner is that he is the absolute owner and possessor of the open land in Sy.Nos.652/A, 652/B, 652/C, 668/A, 668/B, 669/A and 669/B, admeasuring Ac.5.21 guntas, situated at Ursu Revenue Village, Warangal Mandal and District, having succeeded the same from his mother Smt. K.Shanthamma. The grievance of the petitioner is that his mother purchased the above property from its lawful owners Jannu Kanakaiah and others, on 21.10.1964 and after the death of his mother, all her properties were partitioned among petitioner and his brother and the above properties fell to the share of the petitioner. While so, the vendors of the said land caused their interference with his possession, he filed PLC Case No.20/2014 before the Lok Adalath and accordingly an award was passed in terms of compromise wherein the vendors of his mother have admitted the ownership and possession. Subsequently, he got impounded the sale deed of his late mother before the concerned Revenue Divisional Officer, through proceedings dated 03.05.2014. Thereafter, the petitioner submitted an application before the 3rd respondent on 15.09.2014 in the prescribed Form-VI (A) with a request to mutate the name of the petitioner in the revenue records, but so far no orders have

been passed by the 3rd respondent.

3. Sri S. Srinivasa Rao, learned Assistant Government Pleader for Revenue, submits that the Tahsildar-3rd respondent is not vested with any power to make any corrections/mutations in revenue records. Even assuming that there are any inadvertent mistakes, the petitioner needs to approach the District Collector as per the provisions of Section 9 of the A.P. Rights in Land and Pattadar Pass Books Act, 1971 (for short, '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.

4. 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.

5. 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.

Date: 13.03.2015
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Date:13.03.2015

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