THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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WRIT PETITION No. 10841 of 2015

ORDER:

On a complaint made by the 6th respondent, the 2nd respondent issued notice dated 21.02.2015 to the petitioner. A perusal of the complaint made by the 6th respondent, which is placed on record by the petitioner, reveals that the 6th respondent claims to have purchased the land over an extent of Ac.4-64 cents in Survey No.1545 and Ac.1-56 cents in Survey No.1532 in the year 1984 through registered sale deeds. From 1984 to 2005, the 6th respondent claims to have cultivated the lands and thereafter, on account of his ill health, he shifted to Guntur and leased out the lands to one Sri Ramakrishnudu, S/o Nagaiah. The said Ramakrishnudu was depositing the yearly lease amount at the rate of Rs.3,000/- to Rs.4,000/-. In 2013, one K. Sambasivudu obstructed the said Ramakrishnudu from cultivating the lands. The 6th respondent made a police complaint. The 6th respondent also made a complaint to the Collector stating that when he made an application for grant of Pattadar passbooks, the same was not granted and the same was granted in favour of the petitioner who is the wife of K. Sambasivudu, without there being any right. The representation filed by the 6th respondent was taken on file by the 2nd respondent and the 2nd respondent issued notice 21.02.2015 to the petitioner, directing her to appear before the Joint Collector, Kurnool on 28.02.2015 for enquiry.

2. The said notice obviously is referable to the powers conferred on the 2nd respondent under the A.P. Rights in Land and Pattadar Pass Books Act, 1971. Before issuance of notice, the District Collector also had taken into consideration the report of the Tahsildar dated 27.02.2015 and the report of the earlier Tahsildar dated 05.09.2014. In that view of the matter, the issuance of notice by the 2nd respondent to enquire into the matter cannot be found fault with, as he is statutorily empowered to issue notice, especially if there is a complaint with respect to grant of patta in favour of a third party other than to the person who is otherwise entitled to. It is only the 2nd respondent-Collector who is empowered to exercise the power of revision

and correct the entries in the revenue records as such power does not exist either with the Tahsildar or the Revenue Divisional Officer. The Tahsildar could only correct the errors committed by mistake beyond one year but the Tahsildar does not have power to amend the entries in the revenue records beyond one year. It is only the Collector who is empowered to order any such amendments. In that view of the matter, I do not find any reason to interfere with the notice 21.02.2015 issued by the 2nd respondent. The petitioner can file her objections to the notice including the grounds which she seeks to raise in the present writ petition. As and when such objections are raised, the same shall be considered by the 2nd respondent and necessary orders may be passed.

3. Accordingly, the writ petition is disposed of. No order as to costs.

Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

CHALLA KODANDA RAM, J

17th April, 2015

KSM