

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.10062 of 2015

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Between:

Komatineni Veda Kumari

PETITIONER

AND

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

RESPONDENTS

ORDER:

This writ petition is filed seeking the following relief:

“...to issue. an appropriate Writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the inaction of the respondents in not issuing pattadar pass book and title deed in respect of D. No.254-2 Of Ac.2.45a/z cent's at Angalakuduru village, Tenali Mandal, Guntur Dist., is illegal, arbitrary, unjust and without jurisdiction and under Art. 19 of Constitution of India and consequently direct the 4th respondent to dispose the petitioner's application dated. 11-07-2014 for cancellation of wrong pass book and on 28-03-2014 to give fresh pass book and Title deed to the

petitioner forthwith, as directed by the 2nd respondent dated 21-01-2015; and pass such other order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case and in the interest of justice....”

Though the writ petition is filed seeking an innocuous prayer complaining inaction on the part of the respondent-authorities, as can be seen from the facts and material placed on record, the grievance of the petitioner is about the mutation of entries in the revenue record as Koyi Kishore Babu S/o. Srinivasa Rao and Koyi Padmaja W/o. Siva Ram Prasad as successors, and consequential issuance of pattadar passbook in their favour. The contention of the petitioner is that the property in question is a property which came to his share. After the partition effected on 15.12.1982, the petitioner hypothecated the said property in favour of the Syndicate Bank for obtaining loan. As the petitioner failed to pay the instalments, the Bank filed O.S.No.47 of 1990 and obtained preliminary decree on 13.11.2006. Even a notice under the provisions of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, for putting the property for sale, was also made on 26.03.2014. On negotiations made by the petitioner with the Bank for one time settlement, the Bank has agreed to release the hypothecated property subject to the petitioner obtaining title deed and pattadar passbook and get the revenue records corrected in her favour. At that point of time, when the petitioner approached the revenue authorities, she came to know of the wrong entries made in favour of one Koyi Kishore Babu S/o. Srinivasa Rao and Koyi Padmaja W/o. Siva Ram Prasad, who are totally strangers to her family, as successors. However, the petitioner submits that the preliminary enquiry revealed that the said mutation was said to have been done in the year 1993. Hence, the petitioner made an application dated 28.03.2014 to the 4th respondent-Tahsildar to correct the entries made in favour of the third parties with respect to the property owned by her. As there is no action, the petitioner approached this Court by way of this writ petition.

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Revenue (A.P.) for the respondents.

Learned Assistant Government Pleader for Revenue submits that once it is admitted that the entries were made in 1993 and pattadar passbooks were issued in favour of third parties, the proper course for the petitioner is to approach the revisional authority under Section 9 of the Rights in Land and Pattadar Passbooks

Act, 1971, and the 4th respondent-Tahsildar is not entitled to meddle with any entries since power is not conferred on him beyond one year. He also submits that as a matter of fact, the petitioner had made a complaint to the 2nd respondent-District Collector, who in turn had directed the Tahsildar to take necessary action. He also submits that similar issue was settled by this Court in **Kencharayappa and anr. v. State of A.P. rep. by its Principal Secretary, Revenue Department, and ors. .**

This Court in the judgment referred to above has held that it is the District Collector, who is required to exercise the revisional power and he cannot made over the papers to the Tahsildar.

In view of the same, the writ petition is disposed of directing the 2nd respondent-District Collector to call for the record treating the same as revision, and exercise the powers conferred upon him under Section 9 of the Act. Liberty is given to the petitioner to file additional affidavit along with necessary documents both on facts and on law. As and when such affidavit is filed, the same shall be enquired into and appropriate orders shall be passed in accordance with law, as expeditiously as possible, preferably within a period of four months from today, after issuing notice to all the stake holders. No costs. As a sequel, miscellaneous petitions, if any, shall stand closed.

CHALLA KODANDA RAM, J.

15th April, 2015

Js.