

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.26077 OF 2016

ORDER:

This writ petition is filed by the petitioner seeking to declare the action of the respondents 3 and 4 in removing the name of the petitioner from the revenue records against the land admeasuring Ac.1.25 cents in Sy.No.271-1A situated at Tangedumalli Village, Santhamaguluru Mandal, Prakasam District as illegal and arbitrary.

It is the case of the petitioner that he is the owner of the property over an extent of Ac.1.25 cents situated in Sy.No.271-1A, Tangedumalli Village, Santhamaguluru Mandal, Prakasam District and the petitioner was issued the pattadar pass book and title deeds. On noticing that some third parties names were shown against the petitioner's properties in the revenue records, the petitioner approached the respondent-authorities bringing the said fact to their notice and sought necessary corrections in the revenue records. It is stated that the respondent-authorities removed the name of the petitioner even without issuing any notice or calling for any explanation from him. Hence, this writ petition.

The learned counsel for the petitioner submits that the writ petition is filed seeking a direction to the respondents to take necessary action in the matter for making corrections in the revenue records.

On the other hand, learned Government Pleader for Revenue submits that the District Collector is the competent authority under Section 9 of 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 and it would be obligatory for the District Collector to consider his application and pass appropriate orders.

It is not in dispute that as on the date of braining the fact of third

parties names were appearing in the revenue records to the notice of the respondents against the properties to which the petitioner is claiming right. In other words, the petitioner is seeking substitution of his name in the place of the names already recorded in the revenue records. Entries in the revenue records reflecting a party's name relate to the proceedings of the Tahsildar under Section 3 of the Act. It is not the case of the petitioner that at the time when the names of the said third parties were initially recorded, the claim of the petitioner was also there before the Mandal Revenue Officer, who was exercising powers under Section 3 of the Act. Once such exercise as required under Section 3 of the Act is completed by the Tahsildar, except clerical errors, only the District Collector, under Section 9 of the Act, is empowered to order any corrections to the existing entries. Exercise of power under Section 9 of the Act could be done by the revenue authority either suo motu or on an application.

In W.P.No.558 of 2015, this Court by its order dated 11.02.2015 had held as follows:

“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.”

In the circumstances, the writ petition is disposed of directing the petitioner to approach the District Collector by submitting an

application ventilating his grievance and thereafter the District Collector, Prakasam District is directed to call for the record and exercise powers conferred upon him under Section 9 of the Act to redress the grievance of the petitioner within a period of 3 months from the date of receipt of the application from the petitioner.

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

JUSTICE CHALLA KODANDA RAM

Date:04.08.2016

Gk.

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