

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.16910 OF 2016

ORDER:

This writ petition is filed by the petitioners seeking to declare the action of the respondents 1 to 5 in recording the names of the respondents 6 and 7 as pattadar and possessor in the land belonging to the petitioners over an extent of Ac.0.56 cents situated in Sy.No.226/1, Ac.0.58 cents in Sy.No.226/2, Ac.0.27 cents in Sy.No.227/4B and Ac.2.21 cents in Sy.No.228/2 situated at Damavaram Village, Dagadarthi Mandal, S.P.S.R Nellore District without any documentary proof, as illegal and arbitrary and against the principles of natural justice.

It is the case of the petitioners that they are the owners of the above said property as it has inherited from their ancestors. The said land was given to the 6th respondent for lease and he is cultivating the same for the last 30 years. It is stated that taking advantage of the lease of the above said lands to the 6th respondent and as it is under his possession, the 6th respondent got manipulated the revenue records with the help of the 5th respondent and consequently the respondents 6 and 7 got entered their names as pattadars in 1-B register as well as Adangal/Pahani for the Fasli year 1425. As per the provisions of Section 4 of the A.P. Rights inland and Pattadar Passbook Act, 1971 (for short, "the Act"), the acquisition of right is to be intimated to the concerned revenue authority and on such intimation the said authority has to effect change in the concerned revenue record. It is the duty of the 5th respondent to amend and update the records of rights on receipt of the intimation of the factum of acquisition of any right as referred in Section 4 of the Act. In the instant case, no such acquisition was effected in any mode by the respondents 6 and 7 and hence the very recording of their names in

the concerned revenue records is patently illegal and arbitrary. Hence, the writ petition.

The learned counsel for the petitioners submits that as the names of the respondents 6 and 7 are entered into the revenue records and as the lands in question are proposed to be acquired for the purpose of Green field Airport, it is the apprehension of the petitioners that the respondents 6 and 7, based on the revenue records, may claim the compensation.

On the other hand, Sri S. Srinivasa Rao, learned Assistant 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 petitioners 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 their application and pass appropriate orders.

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 light of the above statutory provisions, initially, the

petitioners are at liberty to approach the 5th respondent-Tahsildar seeking proceedings under which the names of the respondents 6 and 7 have been included in the revenue records and then submit an application to the 2nd respondent-District Collector, invoking the provisions of Section 9 of the Act seeking corrections of their names and in turn the 2nd respondent-District Collector shall consider the same, in accordance with the law, within a period of three months from the date of receipt of application of the petitioners.

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:02.08.2016

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THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

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