

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.25803 OF 2016

ORDER:

This writ petition is filed by the petitioner seeking to declare the action of the 4th respondent-Tahsildar in not completing the enquiry as per the notice dated 26.05.2016 issued in respect of the subject land for an extent of Ac.1.25 cents situated in R.S.No.205/3, Chittela Village, Tiruvuru Mandal, Krishna District for amendment of revenue records in respect of the said land as illegal and arbitrary.

It is the case of the petitioner that he is the owner of the above said land and he is in possession and enjoyment of the same. It is stated that originally the paternal uncle of the petitioner Sri Pilli Venkaiah, S/o. Pullaiah was the owner of the subject land and the said land was assigned in his favour and he died issue less and by way of succession, the petitioner and the 5th respondent and another Sri Pilli Prakash Rao are entitled for equal share in the said land but the 5th respondent by suppressing the facts ignoring the joint family status got entered his name in the revenue records as if he is the only successor to the original pattadar. Thereafter, the petitioner submitted a representation dated 16.5.2016 to the 4th respondent-Tahsildar to conduct the enquiry and rectify the revenue records and delete the name of the 5th respondent. Thereafter, the 4th respondent has issued the notice 26.5.2016 directing the petitioner to attend the enquiry on 20.6.2016, but no enquiry was conducted so far and no steps have been taken so far for rectifying the defects in the revenue records. Hence, the writ petition.

The learned counsel for the petitioner submits that the writ petition is filed seeking a direction to the respondents 1 to 4 to take necessary action for restoring the name of the petitioner in the revenue records about the above said lands.

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 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 their application and pass appropriate orders.

It is not in dispute that as on the date of submission of the representation of the petitioner to the revenue authorities, third parties names were appearing in the revenue records 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.

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

petitioner is at liberty to approach the 4th respondent-Tahsildar seeking proceedings under which the name of the 5th respondent has 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 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:10.08.2016

Gk.

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