

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.9588 of 2010

ORDER:

This writ petition is filed against the order dated 31-10-2009 in proceedings No.D5/830/2009 passed by the Joint Collector confirming the order, dated 23-12-2008, passed by the Revenue Divisional Officer, (R.D.O.) in Appeal No.C/1549/2007 in respect of land in Sy.Nos.396 and 397 admeasuring Ac.15-29 guntas situated at Nallagandla Village, Serilingampally Mandal.

The case of the petitioners is that they are the sons of Late Kammari Ramaiah, who had purchased the land in Sy.Nos.396 and 397 admeasuring Ac.15-29 guntas at Nallagandla Village, Serilingampally Mandal through registered sale deed dated 19-03-150 vide document No.17/82. From the date of purchase, said Kammari Ramaiah is in possession of said land and after his death, the petitioners are in possession of the same. Taking advantage of his death, the husband of respondent No.4, the father of the respondents 5 to 9 and 10 and husband of respondent No.12, father of respondents 13 to 17 made an application before respondent No.1 under the provisions of A.P. Rights in Land and Pattadar Pass Book Act, 1971 (for short "the Act") basing on the partition deed, dated 21-07-1989 and obtained pattadar pass books and

title deeds. The petitioners challenged the same before respondent No.2 by filing Appeal No.C/1549/2007 and the same was dismissed on 23-12-2008. The petitioners carried the matter before respondent No.1 by way of filing a revision in case No.D5/830/2009 and the same was also dismissed by order dated 31-10-2009. Aggrieved by the same, the present writ petition is filed.

Heard learned counsel for the petitioners, who submits that respondent No.3 exceeded his jurisdiction in ordering the validation of account in favour of respondents 4 to 17 and the appellate authority and revisional authority also confirmed the same without going in to the said aspect.

On the other hand, learned counsel appearing for respondent No.13 submits that respondent No.3 passed orders and granted pattadar passbooks by order dated 06-09-1992 and the same was confirmed in the appeal by order dated 23-12-2008 and further the same was confirmed in the revision. He submits that pattadar passbooks were granted in the year 1992 and the appeal was filed in the year 2007. Both the appellate authority and the revisional authority confirmed the said order by observing that the petitioners can approach civil Court, as

the said issue cannot be decided in summary enquiry under the provisions of the Act.

In this case, it is to be seen that the petitioners as well as respondents 4 to 17 are claiming the subject land as successors and the then Tahsildar already granted pattadar passbooks and title deeds vide proceedings dated 06-09-1992 and the appeal was filed before respondent No.2 in the year 2007 after a period of 15 years. The appellate authority has dismissed the appeal. The revisional authority also dismissed the appeal and came to conclusion that the petitioners have to approach civil Court and said aspect cannot be decided in the summary proceedings. In view of the same, I do not see any error in the impugned order.

Accordingly, the writ petition is dismissed. However, the petitioners are at liberty to approach the Civil Court to get their title resolved and thereafter, approach the recording authority for appropriate relief under the Act. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

10-11-2016
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