

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.23083 OF 2017

Dated:07.09.2017

Between:

Smt. Kadimetla Savithramma,
W/o. Sri Nagabhushana Reddy,
Aged about 47 years, R/o.H.No.1-4,
Kadimetla Village and Post, Yemmiganur
Mandal, Kurnoor District and another

.. Petitioners

And

The State of Andhra Pradesh, rep., by its
Principal Secretary, Revenue, Secretariat
Buildings, Amaravathi, Guntur District
and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.23083 OF 2017****ORDER:**

Heard.

2. Petitioners allege that they are the owners and possessors of lands admeasuring Ac.1.00 and Ac.0.75 cents in Survey No.618 of Kadimetla Village, Yemmiganur Mandal, Kurnool District. They applied for mutation of their names in the revenue records before the Tahsildar, Yemmiganur. The Tahsildar accepted the said request and mutated the names of the petitioners in the revenue records. Aggrieved thereby, the 5th respondent herein submitted representation before the Tahsildar alleging that mutation of the names of the petitioners in the revenue records was erroneously made and instead of considering his representation on merits, the Tahsildar erroneously filed report before the Revenue Divisional Officer. In response to the said report, the Revenue Divisional Officer issued notice dated 20.05.2017 to the petitioners as well as the 5th respondent to submit their explanation along with all the relevant documents. Challenging the said notice, petitioners filed this Writ Petition.

3. According to learned counsel for the 5th respondent, originally, the name of the father of the 5th respondent was reflected in the revenue records, which was altered by the Tahsildar, and that was the reason for the 5th respondent to make representation before the Tahsildar to rectify the mistake and to reflect his name in the place of the petitioners.

4. When the matter is taken up for consideration, learned counsel for the parties would fairly submit that against the

decision of the Tahsildar in mutating the names of the petitioners in the revenue records, appeal lies under Section 5 (5) of the Andhra Pradesh Rights in Land and Pattadar Passbooks Act, 1971 (for short, 'the Act') before the Revenue Divisional Officer, whereas due to mistake, the representation was made to the same authority. Learned counsel for the 5th respondent therefore seeks leave of the Court to file an appeal before the Revenue Divisional Officer for mutating his name in the revenue records.

5. Having regard to the said submissions, this Court is not inclined to go into the details with regard to the issue of maintainability of the notice impugned in the Writ Petition.

6. The Writ Petition is accordingly allowed and the notice impugned in the Writ Petition is set aside. However, the 5th respondent is granted liberty, if so advised, to file appeal against the decision of the Tahsildar to mutate names of petitioners in the revenue records under Section 5 (5) of the Act before the Revenue Divisional Officer. All issues are left open to the parties to agitate as and when remedy of appeal is availed by the 5th respondent. It is needless to observe that the Revenue Divisional Officer shall follow due process of law and complete the exercise within a fixed time frame, preferably within a period of two months from the date of preferring such appeal. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in the Writ Petition shall stand closed.

P. NAVEEN RAO, J

Date:07.09.2017

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