

HON'BLE SRI JUSTICE S.V. BHATT

W.P. No.38308 OF 2014

ORDER:

The issue arises under the A. P. Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act').

Heard Mr.Srinivasa Murthy Cheedella for petitioners, the Assistant Government Pleader for Revenue and Mr.V.Subramanyam for 4th respondent.

The petitioners challenge the order of respondent No.2 in Case No.D1/4113/2011 dated 25.11.2014, as illegal, arbitrary and unconstitutional. Briefly stated, the circumstances are that respondent No.4 filed revision under Section 9 of the Act against the memo of respondent No.3 in case No.D/138/2010 dated 09.03.2010 in respect of an extent of Ac.3-09 gts. in Survey No.249/2 at Khanapur Village, Rajendranagar Mandal, Ranga Reddy District. The 3rd respondent through memo dated 09.03.2010 directed V.R.O. Khanapur Village to incorporate the names of petitioners herein. The 4th respondent claiming to be exclusive owner of Survey No.249/2 of Ac.3-09 gts. vide registered sale deed dated 19.06.1990 challenged the memo of 3rd respondent directing incorporation of petitioners' names in Pahani as occupants. The 2nd respondent allowed the revision with these findings.

"Perused the material available on record. The present revision is filed against the order of the then DC & Tahsildar, Rajendranagar Mandal in Case B/138/2010 dated 09.03.2010 in respect of land in Sy.No.249/2 to an

extent of Ac.3-09 gts situated at within limits of Khanapur Village, Rajendranagar Mandal for correction of entries in pahani for the year 2010-2011 in occupants column.

Pahanies/Adangal do not constitute record of rights for the village and it only reflects the ground position. The revision petitioner has approached for correction of entries in cultivation column in the pahani for the year 2010-11. The entry in the possession column without documentary evidence is not final and can be challenged.

Moreover, the petitioner has appealed on the order of the then Tahsildar, vide case No.D/138/2010 dated 09.03.2010 which relates for correction of entries in the pahani. If the parties seek to stake a claim for a share either for part or full extent it is appropriate for them to knock the doors of the civil court and after adjudication by the civil court, can approach the revenue authorities for relief if any.

The Revision Petitioner has purchased subject land by virtue of registered sale deed in the year 1990 vide document No.7626/1990 dated 19.06.1990 and it was also implemented in revenue records, duly issuing the pass books and TDs. The Revision respondents are coming on the basis of an unregistered partition deed that too after lapse of 15 years period. The sale registration document took place in the year 1990 and the unregistered partition deed was made in the year 2002.

In view of the above circumstances narrated in terms of circular Rc.No.S1/1093/2011 (CSSLR), dated 18.05.2011 U/s. 87 of A.P.T.A.L.R. Act the orders of the Lower Court in case No.D/138/2010 dated 09.03.2010 are hereby set aside. The earlier stay granted in this case is also cancelled.

Accordingly, the revision petition is allowed.”

Mr.Srinivasa Murthy counsel for petitioners challenges the order as illegal and unsustainable and according to him, the 2nd

respondent expanded the scope of revision by setting aside the proceedings dated 09.03.2010. According to him, the subject matter of the revision is confined to memo dated 12.09.2011. The counsel though has raised a contention on the scope of revision and the effect of orders passed by 2nd respondent, could not satisfactorily demonstrate the infirmity in this behalf. On the other hand, when the attention of counsel is drawn to the memorandum of revision filed by 4th respondent before the 2nd respondent, he fairly states that the prayers are comprehensive and no exception to the findings recorded by the 2nd respondent could be taken. The counsel appearing for both parties submit that in respect of the subject matter, O.S. No.1346 of 2014 is filed and pending and in view of the scope and object of Section 8 of the Act, they request the Court to leave all the contentions open for consideration by the Civil Court. The writ petition fails and is dismissed. However, parties are given liberty to work out their prayers in the pending suit. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT, J

Date:27.07.2017
Sp

