

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 26906 of 2001

ORDER:

Heard learned counsel for the petitioner and learned counsel for respondent No.5.

The case of the petitioner is that he purchased an extent of Ac.0.20 guntas and Ac.1.5 guntas in Survey No.727/1, situated at Tellal Tarfa of Bodhan Town from one Sri C.N.Balu and Sri Allauddin in 1977 under an agreement of sale and since the date of purchase, he is in possession and enjoyment of the same. He further stated that he constructed a residential house in an extent of Ac.0.20 guntas and for the remaining extent, on the basis of false representation made by some third parties, the State Financial Corporation of Andhra Pradesh and Syndicate Bank granted loan for construction of rice mill. The Syndicate Bank filed O.S.No.105 of 1993 before the Court of the Subordinate Judge, Bodhan and the said suit was later on transferred to the Debts Recovery Tribunal, Bangalore and was renumbered as O.S.No.3650 of 1996. Thereafter, it was transferred to the Debts Recovery Tribunal, Hyderabad. In the said proceedings, the petitioner claims that he raised an objection stating that the land belongs to him and there is a dispute between himself and one Sri D.Gangaram-respondent No.5 herein, which is pending in O.S.No.142 of 1997 before the

learned Junior Civil Judge, Bodhan. The petitioner appears to have filed W.P.No.20884 of 1998 challenging the claim of the Bank. While so, he filed an application under the provisions of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act') for issuance of pattadar pass books and title deeds and when the same was rejected by respondent No.3- Revenue Divisional Officer *vide* proceedings, dated 26.04.2001, he preferred a revision before respondent No.2-Joint Collector, Bodhan, Nizamabad District. When respondent No.2 by proceedings, dated 18.12.2001, dismissed the claim of the petitioner and upheld the order of the Revenue Divisional Officer, dated 26.04.2001, cancelling the pattadar pass books and title deeds earlier issued, the present writ petition was filed.

A perusal of the order passed by respondent No.2 reads as follows:

"I have gone through the record material available before me. Heard the arguments of both the Advocates.

On perusal of File No.A2/2242/98 of Revenue Divisional Officer, Bodhan, it is revealed that Survey No.727/1 of Bellal Tarfa is written as Abadi in the pahani up to 1990-91 in pattadar column and the name of Sri Chander in Column N.16 of the pahani. After 1991-92, the name of the revision petitioner Sri D.S.R.Choudary was written as pattadar and cultivator. The revision petitioner has claimed the land stating that he has purchased from one Sri N.Balu. It is seen from the pahani, N.Balu neither pattadar nor cultivator. Further, on

perusal of Khasra Pahani of 1954-55, the Survey No.727/1 extent 1.25 guntas stands patta in the name of Mahalingappa and Allaaddin as occupier. In the pahani for the year 1963-64 in pattadar column shown as Municipality. The name of Sri N.Balu has not shown neither as pattadar nor cultivator. How the revision petitioner has purchased the land from N.Balu is not known. If the revision petitioner has purchased the land from N.Balu through unregistered document is not admissible as evidence in the enquiry to prove the ownership or title of the property, where the chain is not completed no transfer of un-registry shall not be done. Further the Mandal Revenue Officer/Recording Authority has not followed provisions laid down under ROR Act and Rules. Further, the pattadar pass book cannot be granted under Rule 26 (6) of the A.P. Rights in Land and Pattadar Pass Books Act and Rules 1989. The land in Survey No.727/1 does not come under the definition of Agricultural land and not covered in R.O.R. Act since there are structures in the land exclusively being used for non-agriculture purpose.

In view of the above, the order passed by the Revenue Divisional Officer, Bodhan in File No.A2242/98, dated 26.04.2001, cancelling the pattadar pass book and title deed issued in favour of the revision petitioner is upheld. If there is any title dispute, both parties should obtained appropriate order from the civil Court.

The Mandal Revenue Officer, Bodhan is hereby directed to delete Survey No.727/1 extent 1.25 acres from the pattadar pass book and title deed issued in favour of the revision petitioner.”

Even as per the claim of the petitioner also, the land was purchased through an agreement of sale and no sale deed is produced before the authorities nor claimed possession of the pattadar pass books and title deeds. The petitioner himself

admitted that there is a dispute with regard to the title between himself and respondent No.5 pending in the civil Court. In view of the observations of respondent No.2 directing the parties to obtain order from the civil Court, this Court sees no ground to interfere with the order passed by respondent No.2.

Therefore, the writ petition is dismissed upholding the order of respondent No.2. However, it is open to the petitioner to approach the authority concerned under the provisions of the Act in the event of his claim being upheld.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.



A.RAMALINGESWARA RAO,J

Dt:19.06.2017

kdl