

THE HON'BLE THE ACTING CHIEF JUSTICE
RAMESH RANGANATHAN
&
THE HON'BLE SMT JUSTICE T. RAJANI

WRIT APPEAL No.669 of 2017

JUDGMENT: (Per Hon'ble the Acting Chief Justice Ramesh Ranganathan)

This appeal, under clause 15 of Letters Patent, is preferred against the order passed in WVMP.No.4738 of 2016 in W.P.No.17476 of 2016 dated 04.04.2017.

The appellants herein are the petitioners in the writ petition wherein they sought a *Mandamus* to declare the order of the Joint Collector dated 20.03.2016 confirming the order of the Revenue Division Officer dated 16.05.2015, whereby the pattadar pass books and title deeds issued in their favour were cancelled, as arbitrary and illegal.

In the order under appeal, the learned single Judge observed that both the Revenue Divisional Officer and the Joint Collector had concurrently held that the appellants-writ petitioners were not entitled for pattadar pass books and title deeds in respect of the subject property; though the petitioners had claimed to have purchased the property in 1975 through a simple unregistered sale deed dated 31.08.1975, the name of the fifth respondent was shown in the possessory column and pattadar column from 1966 till 2010 and, therefore, the Court was not inclined to continue the interim order dated 14.07.2016. While vacating the interim order, the learned single Judge, however, directed the fifth respondent not to alienate the subject land pending disposal of the writ petition.

Sri J.U.M.V. Prasad, learned counsel for the appellants-writ petitioners would draw our attention to the details of the pahanies recorded in the order of the Joint Collector wherein the name of the fifth respondent is shown as pattadar; her name is shown as occupant only till 1969-70 and thereafter from 1976-79; and for all the other years, the name of others are shown as the occupants. The fact, however, remains that the name of the fifth respondent is shown as the pattadar upto 2012-13 and it is only, thereafter, that the names of appellants-writ petitioners are shown in view of the regularisation orders passed in their favour under Section 5-A of the A.P. Rights in Land and Pattadar Pass Books Act, 1971.

Sri V. Ramesh Reddy, learned counsel for fifth respondent, would draw our attention to the order of the Joint Collector wherein he had recorded that the appellants-writ petitioners were issued pattadar pass books for the said lands basing on the simple sale deed dated 31.08.1975 executed by the fifth respondent; the petitioners, in their counter before the Revenue Divisional Officer, had admitted that they had purchased the subject lands from Byri Manohar and others on 20.09.2000 which was contradictory to the records on hand; even as on 20.09.2000, the vendors of the appellants-writ petitioners, in the capacity of occupants, had no right/title to sell the lands; no one can transfer any better title than what he has; the names of petitioners 1 and 2 were not reflected in the pahanies from the date of purchase till the date of issue of pattadar pass books and title deeds; whereas the name of the alienee/transferee should find place as an occupant in the pahani.

It does appear from a reading of the order of the Joint Collector that the appellants-writ petitioners had changed their stand before him when compared to the stand taken by them earlier before the Revenue Divisional Officer. In any event, these are all matters which are required to be considered by the learned single Judge when the writ petition is finally heard. As the name of the fifth respondent is shown as the pattadar in the pahanies right from 1966, we see no reason to interfere with the order under appeal, more so, as the interests of the appellants-petitioners are adequately safeguarded by the order of the learned single Judge restraining the fifth respondent from alienating the subject property.

The appeal fails and is, accordingly, dismissed. Consequently, pending miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

RAMESH RANGANATHAN, HACJ

T. RAJANI, J

June 6, 2017
DSK