

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.31979 OF 2017

DATED : 21.09.2017

Between :

Smt. Gummadi Kotisuryam, W/o.Mohan Rao,
Aged about 65 yrs, Occu : Housewife,
R/o.Ponnekallu Village,
Tadikonda Mandal, Guntur District.

..

Petitioner

And

The State of A.P.,
rep., by its Principal Secretary,
Department of Revenue,
Secretariat, Amaravathi,
Andhra Pradesh & others.

..

Respondents



This court made the following :

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ORDER :

Heard.

2. Petitioner claims that she is the owner and in possession of land bearing No.220/A of Ponnekallu Village, Tadikonda Mandal, Guntur District. The Assistant Commissioner, Endowments, and Dharmadayam Tank filed appeal before the Revenue Divisional officer, Guntur, under Section 5 (5) of the A.P. Rights in Land and Pattedar Pass Books Act 1971 (for short 'the Act, 1971') challenging mutation granted in favour of the petitioner and others on 18.01.2017.

3. Learned counsel for the petitioner submits that the appellants before the Revenue Divisional Officer has no semblance of right or title to the property and therefore, could not have filed such an appeal against mutation granted in favour of the petitioner and others and the same being illegal, the proceedings of the appellate authority should be quashed on that ground.

4. On the question posed by the Court, learned counsel for the petitioner is unable to answer as to whether such appeal is maintainable or not.

5. Against the mutations granted, an appeal lies under Section 5 (5) of the Act, 1971 to the aggrieved person. Therefore, once an appeal is maintainable, the Court cannot enter into the claim made before the appellate authority by the appellants. It is always open to the respondents before the appellate authority to raise all

objections, as available in law and invite a finding thereon and to work out their remedies. Thus, this Court is not inclined to entertain the writ petition, when once it is established that the appeal is maintainable before the Revenue Divisional Officer.

6. Thus, leaving it open to the petitioner to raise all objections as available in law, against maintainability of such appeal and the merits of the claim made by the appellants therein, the Writ Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

21st September 2017
Rds

P.NAVEEN RAO,J

