

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

* * * *

WRIT PETITION No.12257 OF 2017

Between:

Ch.Koteswara Rao and another.

.. Petitioners

And

State of A.P. rep. by its Principal Secretary, Revenue Dept.
Secretariat, Amaravathi, Guntur and others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 09.11.2017



HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No. 12257 of 2017

ORDER:

Heard the learned counsel for the petitioners, learned Government Pleader for Revenue appearing for respondent Nos.1 to 3 and Sri A.Chandraiah Naidu, learned Counsel appearing for respondent Nos.4 and 5.

2. In this writ petition, the order dated 20.03.2017 in Appeal Case No.19/16 of respondent No.2 seeking cancellation of pattadar pass books and title deeds issued in favour of petitioner No.2 is assailed.

3. Learned Counsel for the petitioners places reliance on the judgment of this Court, in **Ratnamma v. Revenue Divisional Officer, Ananthapur**¹, and contends that the appeal itself is not maintainable, and respondent No.2 ought not to have entertained the appeal invoking Section 5(5) of the A.P. Rights in Land and Pattadar Pass Books Act, 1971.

4. This legal position is not disputed by the respondents.

5. Accordingly, the Writ Petition is allowed and the order of respondent No.2, in Appeal Case No.19/16, dated 20.03.2017 is set aside on the ground that respondent No.2 had no jurisdiction to entertain the appeal and liberty is granted to respondent No.4 to avail appropriate remedy in appropriate forum.

¹ 2015(5) ALT 228 (DB)

6. Miscellaneous petitions pending, if any, shall also stand disposed of. No order as to costs.

M.S.RAMACHANDRA RAO,J

Date:09.11.2017
usd

