

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.27942 of 2017

Date: 22.08.2017

Between:

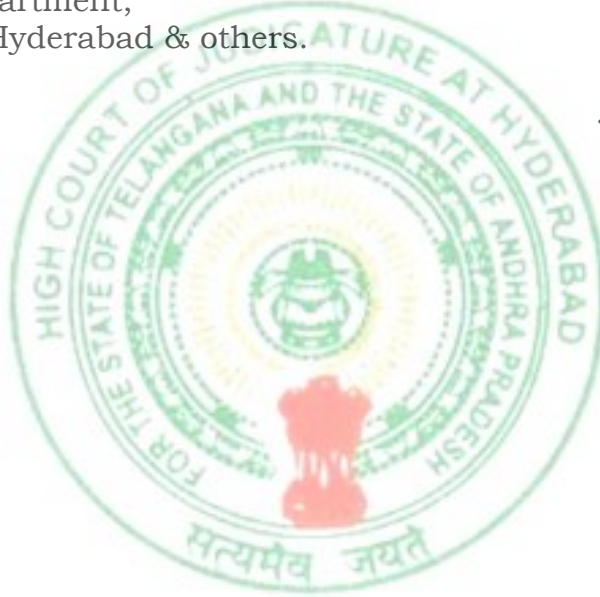
Dyagari Subbaji S/o.Pothanna,
Aged 60yrs, Occu : Agriculture,
R/o.Neelayipet, R/M:Nirmal,
District Nirmal, Telangana State.

.....Petitioner

And

The State of Telangana,
rep. by its Principal Secretary,
Revenue Department,
Secretariat, Hyderabad & others.

.....Respondents



The Court made the following:

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ORDER:

Heard.

2. Petitioner claims as owner and in possession of agricultural land to an extent of Ac.1-37 guntas in Sy.No.5, Ac.0-19 guntas in Sy.No.9, Ac.1-28 guntas in Sy.No.51, Ac.1-18 guntas in Sy.No.279, Ac.0-7 guntas in Sy.No.281, Neelayipet Village, R/M.Nirmal, Nirmal District. Petitioner's grievance is against mutation of names of respondents 5 and 6 in the revenue records. Alleging that a representation was made by the petitioner to Tahsildar, Nirmal (Rural), on 04.08.2017, to correct the revenue records illegally altered and no action is taken, this writ petition is filed.

3. The material on record would disclose that petitioner filed O.S.No.136 of 2001 on the file of Junior Civil Judge, Nirmal. The said suit was decreed in his favour. Aggrieved thereby defendants preferred A.S.No.2 of 2012 on the file of Senior Civil Judge, Nirmal. The said appeal was decreed on 30.10.2013, setting aside the decree granted by the trial Court. Petitioner claims that he filed application for setting aside the *ex parte* decree before the first appellate Court and the said application is pending. While so, in the representation, petitioner did not refer to the subsequent decree of the first appellate Court, but only refers to and relies on the decree granted by the trial Court and seeks for correction. This request of the petitioner is not valid in law for the reasons, firstly, once corrections are made in the revenue records by the Tahsildar, the remedy is appeal and thereon Revision under the A.P. Rights in

Land and Pattedar Pass Books Act 1971 (for short 'the Act, 1971'), and no power is vested in the same authority to undertake corrections made by him earlier. He has only power to carry out clerical mistakes but nothing more. What is requested by the petitioner does not come under the "clerical mistake"; secondly, the claim was made based on a decree granted by the trial Court in O.S.No.136 of 2001. Whereas the same was set aside by the first appellate Court in A.S.No.02 of 2012; and thirdly, request was made on 04.08.2017 even if it was properly made, and immediately thereafter petitioner rushed to this Court.

4. For the above reasons, the writ petition cannot be entertained and the same is liable to be dismissed. Accordingly, writ petition is dismissed in limini. There shall be no order as to costs.

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

22nd August, 2017
Rds

P.NAVEEN RAO,J