

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO**W.P.No.27585 of 2011****ORDER:**

This Writ Petition is filed challenging the order dt.24-06-2011 of the 1st respondent in RC.No.4922/2010 D2.

2. The said Revision was filed by respondent Nos.4 and 5 herein challenging the order dt.20-09-2010 in ROR Appeal No.3942/08/C of 2nd respondent which was an order passed in an appeal invoking Section 5 (5) of the AP Rights in Land and Pattadar Pass Books Act, 1971 (for brevity 'the Act, 1971') questioning the issuance of title deed/pattadar pass books in favour of the petitioner by 3rd respondent herein in respect of extent of Ac.7.03 cts in Sy. No.31 of Nidigattu village, Bheemunipatnam Mandal, Visakhapatnam District.

3. Learned counsel for the petitioners contends that petitioners have title to the subject property, that no appeal challenging mere issuance of title deeds/pattadar pass books in favour of the petitioners could be maintained in view of the judgment of a Division Bench of this Court in **Ratnamma Vs. Revenue Divisional Officer, Dharmavaram, Anantapur District and others**¹; that 2nd respondent rightly dismissed the ROR Appeal in the first place; and 1st respondent erred in passing the impugned order setting aside the order passed by 2nd respondent without assigning any reasons.

¹ 2015 (6) ALD 609 (DB)

4. Learned Government Pleader for Revenue as well as Sri Vedula Venkata Ramana, learned Senior Counsel for respondent Nos.4 and 5 do not dispute the legal position that against mere issuance of title deed/pattadar passbooks, no appeal lies under Section 5 (5) of the Act, 1971. So, there could not have been a revision also against the said order maintained before 1st respondent.

5. Therefore, both the orders passed by respondent Nos.1 and 2 respectively are without jurisdiction.

6. Though learned counsel for respondent Nos.4 and 5 sought to contend that the petitioners have no title to the property, I am not inclined to go into said aspect since it is not the province of this Court to decide the *inter se* title dispute between the petitioners and respondent Nos.4 and 5. If the respondents seek to establish their right, title or interest, they are at liberty to approach competent civil Court to agitate their rights.

7. Therefore, the Writ Petition is allowed accordingly and the orders passed by both respondent Nos.1 and 2 are set aside as totally without jurisdiction and null and void. No costs.

8. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 14-03-2017
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