

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.29712 OF 2017

Date: 01.09.2017

Between:

B.Naga Ratnamma W/o late Sri B.P.Pulla Reddy,
R/o. Nannur Village, Orvakal Mandal, Kurnool
District, Andhra Pradesh.

.....Petitioner

and

The State of Andhra Pradesh, rep.by its Principal
Secretary, Revenue Department, Amaravathi
and others.

.....Respondents



The Court made the following:

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ORDER:

Petitioner claims to be the owner and in possession of land to an extent of Ac.5.64 cents in Sy.No.1306 of Nannur village of Orvakal Mandal. Petitioner claims that pattadar pass book and title deed were granted and her name was mutated in the revenue records.

2. Aggrieved thereby, respondents 5 and 6 preferred appeal before the Revenue Divisional Officer under Section 5(5) of the A.P.Rights in Land and Pattadar Pass Book Act, 1971 (Act, 1971). The said appeal was allowed and the entries made in the revenue records including the entries made in the pattadar pass book and title deed are directed to be deleted and Tahsildar was further directed to take possession of the land. Against the decision of the Revenue Divisional Officer, impugned in this writ petition, a revision lies to the Joint Collector under Section 9 of the Act, 1971. The said revision is an effective and efficacious remedy, where under revisional authority is competent to look into all rival claims, whereas jurisdiction of the writ Court under Article 226 of the Constitution of India against decision of quasi-judicial authority is limited. Writ Court cannot re-appreciate merits of the findings. Without availing such remedy, this writ petition is filed.

3. Though learned counsel for petitioner sought to contend that such appeal/revision is not maintainable on the ground that against issuance of pattadar pass book, no appeal/revision would lie, having regard to the nature of the decision made by the Revenue Divisional Officer, learned counsel for petitioner seeks

leave of the Court to file a revision under Section 9 of the Act, 1971.

4. Learned counsel further contends that Revenue Divisional Officer also went further in directing the Tahsildar to take possession of the land on the ground that it is kept barren.

5. *Prima facie*, it appears from the reading of the material on record, it is a private patta land and dispute is between the private parties. The issue for consideration under the Act, 1971 is only to the extent of entitlement of a person for mutation of his name in the revenue records and issuance of pattadar pass book and title deed. The Revenue Divisional Officer has no competence to direct the Tahsildar to take possession of private land. Thus, to that extent the order of Revenue Divisional Officer is liable to be interfered.

6. Learned Government Pleader does not dispute this position of law.

7. Writ petition is accordingly disposed of, granting liberty to the petitioner to avail remedy of revision under Section 9 of the Act, 1971. However, the issue of possession in terms of the directions issued by the Revenue Divisional Officer cannot be enforced. It is made clear that the direction granted on possession is only with reference to Tahsildar taking possession of land on behalf of the State from the petitioner. However, this order does not come in the way of contesting parties to claim possession in accordance with law as available to them. It is also open to the petitioner to file appropriate application before revisional authority

for grant of stay of order of the appellate authority in all other aspects pending disposal of the revision. It is also made clear that there is no expression of opinion on merits. The respective claims of rival parties are preserved.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

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