

HON'BLE SRI JUSTICE S. V. BHATT

Writ Petition No.23598 of 2017

ORDER:

The issue arises under the A.P. Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act'). The petitioners question the endorsement L.Dis.C/ 53/ 2015 dated 07.02.2015, as illegal, arbitrary and amounts to refusing exercise of jurisdiction conferred on the 4th respondent. The endorsement impugned in the writ petition reads thus:

" L.Dis.C/ 53/ 2015 dt.7.2.2015

Office of the Tahsildar
Renigunta Mandalam

ENDORSEMENT

Sub: Chittoor District – Tirupati Division – Application made by A.D. Suresh Babu and A.D.Satis Babu both sons of late A.Anad Rao, r/o H.No.18-62, Jyothinagar, Renigunta Village, for transfer of patta in respect of the land admeasuring ac.2.81 cents in Sy.No.2/ 7 situated at Kothapalem village, Renigunta Mandalam –reg.

Ref: Report of the Addl. Revenue Inspector, Renigunta dt.2.2.2015.

That an application has been submitted application by A.D. Satish Babu and A.D. Suresh Babu seeking transfer of the patta in respect of the land admeasuring Ac.1.40 ½ cents and Ac.1.40 ½ cents total admeasuring Ac.2.81 cents situated at Kothapalem village, Renigunta Mandal stating that their father executed Gift Settlement Deeds bearing Doc.No.7390/ 04 dt. 15.12.2004 and 7391/ 2004 dt.15.12.2004. The Additional Revenue Inspector, Renigunta conducted enquiry and informed that the said land is recorded as Government land.

Therefore the request made by the applicants for transfer of patta and issuance of pattadar pass book in respect of the land admeasuring ac.2.81 cents in Sy.No.2/ 7 is not possible. Accordingly informed."

2. From the above, it is clear that two aspects are required to be considered before considering the request of the petitioners for issuing pattadar pass books, namely, whether the subject matter of endorsement is a Government land and whether the assignment in favour of one Mr. Anand Raj, if subsisting, the petitioners, by reference

to the succession upon demise of Anand Raj, are entitled for pattadar pass books/ title deeds.

3. This court is of the view that firstly against the endorsement impugned in the writ petition, the petitioners ought to have worked out their remedy by way of an appeal before the 3rd respondent. Admittedly, no appeal is filed.

4. Be that as it may, Section 9 of the Act reads as follows:

“9. Revision:- The Collector may either *suo motu* or on an application made to him, call for and examine the record of any Recording Authority, Mandal Revenue Officer or Revenue Divisional Officer under Sections 3, 5, 5A or 5B, in respect of any record of rights prepared or maintained to satisfy himself as to the *regularity, correctness, legality or propriety of any decision taken*, order passed or proceedings made in respect thereof and if it appears to the Collector that any such decision, order or proceedings should be modified, annulled or reversed or remitted for reconsideration, he may pass orders accordingly:

Provided that no such order adversely affecting any person shall be passed under this Section unless he had an opportunity of making a representation.

5. Having regard to the scope of jurisdiction of 2nd respondent under Section 9 of the Act, counsel for the petitioners requests the court to permit the petitioners to canvass all grievances by filing revision before the 2nd respondent. This court is of the view that, if the petitioners file revision, the District Collector, being the Revisional Authority, can look into all the four aspects i.e., regularity, correctness, legality or propriety of any decision taken, and pass orders in accordance with law and as the circumstances of the case warrant. Hence, I am satisfied, the writ petition can be disposed of by this order.

(a) The petitioners are given liberty to file revision under Section 9 of the Act before the 2nd respondent, by enclosing a copy of this order, within four weeks from the date of receipt of a copy of this order;

(b) On filing revision by petitioners, the 2nd respondent is directed to consider the revision in accordance with law and pass orders within a further period of six (6) months from the date of presentation. No order as to costs. Pending miscellaneous petitions if any in this writ petition shall stand dismissed in consequence.

Date: 18.07.2017
BSS

S.V.BHATT, J



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