

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER**

Writ Appeal No.570 of 2017

JUDGMENT: (per Hon'ble the Acting Chief Justice Sri Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the order of the Learned Single Judge in W.P.No.27585 of 2011 dated 14.03.2017. The Learned Single Judge has, following the judgment of the Division Bench in **Ratnamma v. Revenue Divisional Officer, Dharmavaram, Ananthapur District**¹, held that the Revenue Divisional Officer had rightly dismissed the R.O.R.Appeal in the first place as it was preferred against the grant of pattadar passbook under Section 6-A of the A.P. Rights in Land and Pattadar Pass Books Act, 1971 (the "1971 Act" for short); and, as no appeal lies under Section 5(5) of the 1971 Act against the issuance of pattadar passbook, the petitioners could not have sought a revision against the said order before the 1st respondent.

While we find no error in the order under appeal, Sri Vedula Venkataramana, Learned Senior Counsel appearing on behalf of the appellants, would contend that, even if the appellants do not have the remedy of a revision against the issuance of a pattadar passbook under Section 6-A of the 1971 Act, they have a right to seek a revision to the Joint Collector against an entry made in the record of rights under Section 3 of the 1971 Act.

Sri P.Roy Reddy, Learned Counsel appearing for respondents 1 to 5-writ petitioners, would contend that even a revision under Section 9 of the 1971 Act is not maintainable after the period specified in Section 3 has elapsed; and the Learned Single Judge

¹ 2015 (6) ALD 609 (DB)

had not committed any error in relegating the petitioners to the remedy of approaching the competent Civil Court.

The question whether the appellants are entitled to invoke the jurisdiction of the Joint Collector under Section 9 of the 1971 Act does not arise for consideration in these proceedings. All that the appellants herein seek is for liberty to prefer a revision. Suffice it therefore, while granting liberty to the appellants to invoke the jurisdiction of the Joint Collector under Section 9 of 1971 Act, to make it clear that, in case his jurisdiction is so invoked, no orders shall be passed by the Joint Collector without putting respondents 1 to 5-writ petitioners on notice, and without giving them an opportunity of being heard. Needless to state that, in case the jurisdiction of the Joint Collector is invoked by the appellants herein, it would be open to respondents 1 to 5-writ petitioners to raise all such contentions as are available to them in law before the Joint Collector, including regarding the maintainability of the revision.

Subject to the aforesaid observations, the Writ Appeal fails and is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall also stand dismissed. No costs.

RAMESH RANGANATHAN, ACJ

Dr.SHAMEEM AKTHER, J

Date:26.04.2017.

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