

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.18997 OF 2017

ORDER:

The petitioner challenges proceeding Rc.D.5/2251/2015 dated 29.04.2017 of respondent No.2 as illegal and amounts to refusing to exercise the jurisdiction conferred on 2nd respondent by Section 9 of the A.P. Rights in Land and Pattadar Passbooks Act, 1971 (for short 'the Act'). The issue arises under the Act. Respondent Nos. 5 to 7 challenge the grant of pattadar passbook and title deed in favour of M.Maddilety for an extent of Ac.1-03 cents in Survey No.501 of Koilakuntla Village. The Revenue Divisional Officer through proceeding Rc. E.335/2013 dated 01.09.2014 held as follows:

"The V.R.O. Koilakuntla has attended for enquiry before the Revenue Divisional Officer, Nandyal on 20.05.2013 and stated that as per RSR of Koilakunta village, the Sy.No.501 with total extent of Ac.14.35 is classified as service Inam. As per old ROR, Sri M.Venkatapathigari Lakshmaiah has Ac.1.03, Harivaram Subbanna has Ac.1.03, M.Laxmanna has Ac.1.03, Bijjannagari Maddilety has Ac.1.03 and other 19 members are noted as occupiers. As per 1B Register, Pattadar Pass Book was issued to Sri M.Maddilety S/o.Maddilety for the extent of Ac.1.03 with IB Khata No.710. As per 1418 F adangal Mangali Maddilety is enjoying the said land. The Pattadar Pass Book issued to Mangali Maddilety for the said land with the consent of their brothers. The dispute has raised between them as the land is very nearer to the town limits of Koilakuntla as well as the raising of market values. The land is kept vacant since 8 years and no body is cultivating the land.

As verified the connected records and the report of the Tahsildar and the depositions of the both parties, the land to an extent of Ac.1.03 in Sy.No.501 of Koilakuntla village is originally classified as Service Inam and the ancestral property of the both parties, enjoyment particulars can not be decided as there is no proper cultivation in the disputed land.

Hence both parties are directed to approach the civil court to decide their right over the land.”

Respondents 5 to 7 aggrieved by the order of respondent No.3 filed revision under Section 9 of the Act. The revisional authority after examining the classification of Survey No.501 and the rival claims now put forward by parties, has held as follows:

“Perused the connected records, considered the arguments, counter reply filed by the Respondent and written arguments filed by Revision Petitioners. In this case the Revision Petitioners have stated that the land in Survey No.501 with an extent of 1.03 Acre of Koilakuntla village classified as (Barber) Service Inam and Sri Maddileti (father of revision petitioners and respondent) s/o.Bojanna owns an extent of 1.03 Acre in Sy.No.501 of Koilakuntla village and after his death, his four sons, the respondent and revision petitioners herein have partitioned the land in question along with other lands among them and executed a stamped unregistered partition deed on 21.12.1994. But the respondent has obtained Pattadar Pass Book and Title Deed for the whole extent of 1.03 Acre in Sy.No.510 without leaving their equal share in the land, influencing Revenue authorities. But the Respondent herein has denied the plea of the revision petitioners and his version is that he has obtained Pattadar Pass Book and Title Deed earlier some where two and half decades and that knowingly the revision petitioners herein kept quite all these days.

As regards issuance of Pattadar Pass Book to the Respondent herein, since the land is a Service Inam land, (Village artijons) and under the provisions of Inam Abolition Act, 1956, the individual pattas ought to have been granted to the occupants of the land. In this instant case no individual Pattas had been granted to the occupants under the provisions of Inam Abolition Act 1956 and hence issue of Pattadar Pass Book to the Respondent herein is irregular according to the provisions of ROR Act 1971 and is liable for cancellation. Hence the Revenue Divisional Officer, Nandyal without canceling the PAttadar Pass Book and Title Deed issued

to the Respondent herein and directing the both the parties to decide the right over the land through Civil Court is not correct.

In view of the forgoing facts, the Pattgdar Pass Book and Title Deed issued to the Respondent herein are hereby cancelled and both the Revision Petitioners are directed to apply before the Tahsildar, Koilakuntla for issue of individual pattas under the provisions of Inam Abolition Act, 1956. Accordingly the Revision Petition is disposed of."

The 2nd respondent in exercise of revisional jurisdiction after examining the record of rights, issuance of pattadar passbook to petitioner herein and in the absence of re-grant in favour of Inamdars felt that issuing pattadar passbook to petitioner is unsustainable. Further, he directed parties to approach the Tahsildar for consideration and decision in this behalf. The writ petition now challenges the findings recorded by 2nd respondent, as excerpted above. Learned counsel for petitioner could not point out either an infirmity or an illegality against these findings except re-stating the grounds urged before respondents 2 and 3. I am not persuaded to accept the grounds. The writ petition fails and is dismissed. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT, J

Date: 13.06.2017
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