THE HON'BLE SRI JUSTICE P. NAVEEN RAO

<u>WRIT PETITION No.28040 OF 2017</u>

<u>Dated:22.08.2017</u>

Between:

T. Subbamma, W/o. Late Gurumoorthy,
Aged 65 years, Occ: Agriculture,
R/o.Pavanivari Kandriga Village,
K.V.B. Puram Mandal, Chittoor District .. Petitioner

And

The State of Andhra Pradesh, rep., by its
Principal Secretary Revenue Department,
Secretariat Buildings, Velagapudi,
Amaravati and others .. Respondents

<u>The Court made the following:</u>

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.28040 OF 2017

ORDER:

Petitioner claims that her husband was assigned land to an extent of Acs.5.06 cents in Survey No.227/4 of Gyanayambapuram Village, Srikalahasthi Mandal, Chittoor District, and DKT patta was also granted on 22.03.1972. After death of her husband, patta was transferred in the name of the petitioner and revenue records also reflect her name. However, to the surprise of the petitioner, later, the revenue records were altered and the extent of land stood in the name of the petitioner was reduced to Ac.2.53 cents by creating sub-division numbers as 227/4 and 227/4B reflecting two different extents of Ac.2.53 cents and name of the 5th respondent is shown against Survey No.227/4B. Surprised by this development, petitioner made representation dated 01.03.2016 before the Tahsildar, K.V.B. Puram Mandal, Chittoor District. Alleging inaction by the Tahsildar, in spite of several reminders made by the petitioner and not responding to her grievance by the Revenue Divisional Officer and the District Collector, this Writ Petition is filed.

2. The averments made in the affidavit filed in support of the Writ Petition, the submissions made by learned counsel for the petitioner and the record would disclose that corrections were made in the revenue records. Reducing the extent standing in the name of the petitioner and changing the revenue records in favour of the 5th respondent to an extent of Ac.2.53 cents would

thus mean that in terms of Section 5 of the Andhra Pradesh Rights in Land and Pattadar Passbooks Act, 1971 (for short, 'the Act'), certain corrections/updating of revenue records were made. Petitioner contends that she was not put on notice nor opportunity was given before undertaking such exercise and the same is illegal.

3. What is noted above would mean that the provision under Section 5 of the Act was invoked by the Tahsildar to carry out corrections albeit without notice and opportunity to the petitioner, as contended by her. But the remedy available to an aggrieved person is by way of an appeal under Section 5 (5) of the Act and not a representation to the same authority or complaint to the higher authorities against the Tahsildar in not acting upon such representation. Once a decision is made by the Tahsildar for correction/alteration of the entries in the revenue records, he has no authority to undertake any revision except exercising residuary power to correct clerical errors. Admittedly, so far the petitioner has not preferred appeal against the decision of the Tahsildar. Thus, no direction as sought for can be granted at this stage.

4. The Writ Petition is accordingly disposed of granting liberty to the petitioner to avail the remedy of appeal under Section 5 (5) of the Act, if so advised. It is needless to observe that as and when such appeal is preferred, the appellate authority shall consider the same objectively, after following due procedure and after putting the 5th respondent on notice and

appropriate decision in accordance with law shall be taken as expeditiously as possible. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in the Writ Petition shall stand closed.

P. NAVEEN RAO, J

Date:22.08.2017
KH