

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE DR JUSTICE SHAMEEM AKTHER

WRIT APPEAL NO.111 OF 2017

JUDGMENT: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

This appeal, under Clause 15 of the Letters Patent, is preferred against the orders passed by the learned Single Judge in WP.No.28629 of 2016 dated 22.12.2016.

The appellant herein is the petitioner in the Writ Petition which was filed to declare the action of the third respondent in entering the names of the unofficial respondents R-4 and R-5 in the revenue records, in respect of Survey No.105 situated at Munaganur Village, Hayathnagar Mandal, Ranga Reddy District during the pendency of OS.No.338 of 2016 on the file of the III Additional District Judge, Ranga Reddy District at L.B.Nagar, as illegal and arbitrary. A consequential direction was sought to the District Collector to take action against the Tahsildar for entering the names of the unofficial respondents during the pendency of the Suit.

In the order under appeal, the learned Single Judge noted the submission, urged on behalf of the unofficial respondents, that the father of the fifth respondent, and the husband of the fourth respondent, had filed OS.No.148 of 1990 against the father of the petitioner; the Suit was dismissed against which they preferred an appeal in AS.No.111 of 1998 before the III Additional District Judge, Ranga Reddy District which was allowed on 27.04.2004; against the said order, SA.No.884 of 2010 was filed which was also dismissed; against the order in SA.No.884 of 2010, the petitioner's

father had filed SLP (Civil) CC.No.7999/2011 which was dismissed by order dated 12.05.2011; subsequently, respondent Nos.4 and 5 had filed EP.No.62 of 2014 in OS.No.148 of 1990 which was allowed on 22.12.2014 directing the respondents therein to hand over possession of the property, and to issue a warrant to Bailiff who evicted the judgment debtors from the Suit Schedule property, and put the petitioners in EP in actual possession of the land in Survey No.105; having been unsuccessful in the earlier round of litigation, the petitioner had filed a suit claiming the relief of declaration of title (OS.No.338 of 2016); no order was granted by the Civil Court in their favour; and, in the meanwhile, the petitioner had sought a direction to the authorities to delete the entries made earlier, and to cancel the pattadar passbooks issued in favour of the unofficial respondents. The learned Single Judge observed that a second round of litigation had been started by the petitioner; and, if she succeeded in the Suit, she would be entitled for the entries to be recorded in the revenue records.

The appellant-writ petitioner complains of procedural violation, and contends that the respondents had failed to adhere to Sections 6 and 7 of the Andhra Pradesh Rights in Land and Pattadar Passbooks Act, 1971 in mutating the names of respondent Nos.4 and 5 in the revenue records, and in issuing pattadar passbooks in their favour, without putting her on notice and without giving her an opportunity of being heard.

From the facts as noted in the order under appeal, it does not appear that entries were made in the revenue records only after EP.No.62 of 2014 was allowed on 22.12.2014, directing the respondents therein to hand over possession of the property. As

the petitioner's father has already suffered a decree with regards the very same property, and the said property has been held to belong to the fourth respondent, the petitioner appears to have filed the Suit in OS.No.338 of 2016. As has been rightly observed by the learned Single Judge, in the order under appeal, any change in the revenue records can only be sought if the petitioner were to succeed in OS.No.338 of 2016 which is still pending before the III Additional District Judge, Ranga Reddy District. We find no error in the order of the learned Single Judge, much less a patent illegality, necessitating interference in an intra-Court appeal under Clause 15 of the Letters Patent.

The Writ Appeal fails and is, accordingly, dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand dismissed.



(RAMESH RANGANATHAN, ACJ)

(DR. SHAMEEM AKTHER, J)

24th January 2017
RRB