

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.15620 of 2017

ORDER:

This petition is filed for a writ of *Mandamus* directing the respondents 2 and 3 to correct the entries in the pattedar pass book, title deed, pahani patraks and other revenue records showing that the petitioner as sole pattedar and possessor of agricultural land to the total extent of Ac.3.00, situated in Survey No.35/E of Nizampur Village, Jainath Mandal, Adilabad District by canceling the existing pattedar pass book and title deed which is showing that Myakala Ganpathim Mallesh, Ramuloo and Pochanna are joint pattedars and possessors of the said land and consequently declare the action of the respondents 2 and 3 in not correcting the said entries in revenue records, as illegal and arbitrary.

Learned counsel for the petitioner submits that the petitioner made application to the 2nd respondent which is numbered as C./913/2015 for cancellation of Pattadar Paass Books and title deeds in respect of the land to an extent of Ac.3.00 cents in Survey No.35/E of Nizampur Village, Adilabad District and in pursuance of the same the 2nd respondent directed the 3rd respondent to conduct enquiry but, till today, no action is being taken.

Learned Assistant Government Pleader for Revenue submits that the Revenue Divisional Officer has no power to

entertain any application for cancellation of Pattadar Pass Books and Title Deeds as per the Judgment reported in ***Ratnamma v. Revenue Divisional Officer, Dharmavaram, Anantapuram District and others (2015 (6) ALD 609 (DB).***

In **Ratnamma v. Revenue Divisional Officer (supra)**, the Hon'ble Division Bench held as follows:

21. From a bare reading of [Section 5\(5\)](#) of the Act, it can be held that against every order of recording authority either making an amendment in the record of rights or refusing to make such an amendment, an appeal to the RDO, is provided within the time stipulated in the Section. [Under the Act](#), making an amendment in the record of rights or refusing to make amendment in record of rights is a crucial stage and a substantive decision rendered by the recording authority. Therefore, right of appeal is provided against such decisions. Likewise, from the reading of [Section 5\(5\)](#) of the Act, it cannot be construed that [Section 5\(5\)](#) provides remedy of appeal against orders under [Section 6-A](#) of the Act. Issuance of PPB/TD or making entries therein is always a step consequential to the record of rights prepared. Therefore the plain reading of [Section 5\(5\)](#) makes it clear that appeal against order under [Section 6-A](#) is not maintainable.”

In view of the above, no direction can be issued in this matter, as such, I am no inclined to entertain this writ petition and the writ petition is dismissed. However, it is open for the petitioner to avail remedy under Section 9 of the A.P.Rights in Land and Pattadar Pass Books Act, 1971. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

27.04.2017
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