

HON'BLE SRI JUSTICE S.V. BHATT

W.P. No.23026 OF 2009

ORDER:

Heard Mr.N.Mukunda Reddy for petitioner and Mr.V.Subrahmanyam for respondents 4 to 6.

The petitioner challenges Order No.E3/2351/2006 dated 26.07.2007 of 1st respondent passed under Section 166-B of the A.P. (T.A) Land Revenue Act, 1317 Fasi, rectifying the entries in possession column as recorded up to 1980-81.

The 2nd respondent incorporated the name of petitioner in Pahanis for Survey No.653 in an extent of Ac.0-26 gts. at Urus Village, Warangal Mandal and District. 3rd respondent filed petition before 1st respondent complaining against the incorporation of petitioner's name in possession column for the land in Survey No.653. The 1st respondent after notice to petitioner examined the record and passed the following order:

“ There are only two issues under consideration.

- a) One is that when the applicant is cleared the bushes in the land and also erected the poles for fencing with a view to protect from encroachers, the respondents have come to the land and obstructed the work. At that time, the appellant asked to show the documents that the said land related to them. The respondents did not show their documents even after at the end of the court's decision for taken up the disposal of the case.
- b) Second issue is that if Sri.Minumula Chandra Reddy purchased the land from Sri Ballakari Soma Narsaiah, the respondent have to file suit for declaration, but they haven't filed any case and they failed to prove that their father purchased said land.

Hence, it is observed that the applicant not sold his property at any point of time to anybody and he is in peaceful possession over the land.

In view of the above, the powers rested u/s.166-B of A.P. (T.A) L.R. Act 1317F, it is ordered that to rectify the entries by entering the name of Sri.Ballakari Soma Narsaiah in possession column for the land admeasuring Ac.0.26 gts. out of Sy.No.653 of Urus (v) of Warangal (M), as recorded earlier upto 1980-81. The Tahsildar, Warangal is hereby directed to take necessary action for rectification of entries.”

Hence the writ petition.

Mr.Mukunda Reddy appearing for petitioner relying on the decision of this Court in Velupadas Veeraswamy v. State of A.P. and others¹ contends that the 1st respondent has no jurisdiction and the order impugned in the writ petition on the ground of lack of jurisdiction is liable to be set aside. Mr.Subrahmanyam for respondents 4 to 6 contends that the decision (supra) relied on by petitioner, in fact, goes against the contention raised by the petitioner and he places reliance on the following paragraphs of the decision (supra):

“After considering the Revenue Act, Delegation Act and the relevant notification issued by the Government, this Court is of considered opinion that the writ petition is misconceived. The submission of the learned Counsel for the petitioner that the DRO of the District is not competent to exercise powers under Section 166-B of the Revenue Act cannot be countenanced.

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Initially, the Government of Andhra Pradesh issued orders vide G.O.Ms.No.77, dated 22.1.1968 and notified the same in Part I of A.P. Gazette, dated 10.2.1968

¹ 2007 (1) ALD 435

delegating various powers of the District Collector under different Enactments, Rules Regulations and Standing Orders. Appendix-I thereto enumerates the subjects reserved for District Collectors, Joint Collectors and Personal Assistant to Collector. Appendix-II contains Notification-II (G.O.Ms.No.77, dated 22.1.1968), whereunder the Government delegated powers of the District Collector to the Joint Collector and these powers relate to the matters enumerated in List II and List III in the Seventh Schedule to the Constitution of India. Under Notification-II thereof, the Governor of Andhra Pradesh authorised District Revenue Officers and Additional District Magistrates to exercise powers vested in the District Collectors *inter alia* under the Revenue Act. Items 50 to 57 in Notification-II were inserted as per G.O.Ms.No.563, dated 22.5.1985. Therefore, the submission of the learned Counsel is misconceived.”

to contend that this Court held that 1st respondent has jurisdiction and the same view is also reiterated while explaining the scope of relief granted by DRO in the order impugned in the Veeraswamy's case (supra) and contends that as no other objection against impugned order is raised, the writ petition is liable to be dismissed.

I have perused the decision (supra) relied on by petitioner. *Prima facie*, I am of the view that the contention raised by petitioner is untenable and the paragraphs excerpted above clearly show that the 1st respondent has jurisdiction to entertain appeal for rectification of entries in Pahanis. Be that as it may, the issue relates to incorporation of name in Pahanis. While disagreeing with the contention of petitioner on the contention of jurisdiction, this Court is of the view that the petitioner, if has enforceable right, can work out such right in accordance with law.

The writ petition is dismissed with above observation. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT, J

Date: 28.08.2017

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