

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN**  
**AND**  
**THE HON' BLE SRI JUSTICE GUDISEVA SHYAM PRASAD**

**Writ Appeal No.1875 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 order passed by the Learned Single Judge in W.P.No.22955 of 2017 dated 26.10.2017. The appellants herein filed the Writ Petition questioning the order passed by the Joint Collector, Vikarabad dated 08.06.2017 in directing change in the entries in the record of rights with respect to the land in Survey No.1145 admeasuring Ac.9.18 guntas of Dundayal Village, Bomraspet Mandal, Vikarabad District, deleting the names of the appellant-writ petitioners reflected therein from the year 1979-80 onwards, and entering the names of respondents 4 to 6 therein.

While dismissing the Writ Petition, the Learned Single Judge made it clear that the contentions regarding title/ownership and possession were left open to be agitated in the pending Suit or in any other proceedings; the observations made in the order were only for the purpose of consideration of the order of the revisional authority, made in exercise of the revisional jurisdiction under Section 9 of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971, on the two issues formulated for consideration.

The two issues, which the Learned Single Judge formulated, as necessitating adjudication in the Writ Petition, were (i) whether the revision petition filed by unofficial respondents was hit by inordinate delay and laches, and whether the Joint Collector had erred in entertaining the revision after a long lapse of time, and in altering the revenue records in their favour by deleting the names

of the appellant-writ petitioners; and (ii) whether the Joint Collector had erred in entertaining the revision when O.S.No.2 of 2010 was pending inter-parties.

The fact that the names of the appellant-writ petitioners were entered in the revenue records in the year 1979-80 is not in dispute. It is also not in dispute that the unofficial respondents invoked the revisional jurisdiction of the Joint Collector in the year 2013 after a lapse of 34 years. After referring to several judgments, the Learned Single Judge observed that neither had the appellant-writ petitioners raised the plea of maintainability of the revision on the ground of inordinate delay and laches, nor had such a contention been urged before him even in the writ petition; and it was only during the course of arguments was such a plea raised.

The fact that the appellant-writ petitioners did not raise the plea of inordinate delay, in the unofficial respondents preferring the revision before the Joint Collector, is not in dispute. In the order, impugned in the writ petition, the Joint Collector has referred extensively to the counter-affidavit filed by the appellant-writ petitioners which does not reflect the appellant-writ petitioners having raised the plea of inordinate delay and laches before the Joint Collector.

After referring to several judgments, which declared that the revision had to be entertained within a reasonable time and undue delay in exercising the revisional jurisdiction may justify refusal to grant relief to the revision petitioners, the Learned Single Judge held that the revisional authority was not called upon to adjudicate this issue, since the appellant-writ petitioners had not

put the delay, in entertaining the revision, in issue before the Joint Collector.

The Learned Single Judge then referred to the contents of the counter-affidavit filed by the appellant-writ petitioners before the revisional authority, as well as the averments in the writ affidavit, to hold that no plea of delay and laches, in exercising the revisional jurisdiction, was taken either before the revisional authority or in the writ petition.

Even before us Sri M.Damodar Reddy, learned counsel for the appellant-writ petitioners, does not dispute the fact that no plea of inordinate delay and laches, in invoking the jurisdiction of the revisional authority by the unofficial respondents, was taken by the appellant-writ petitioners either before the revisional authority or before the Learned Single Judge. Learned counsel would, however, contend that the burden was on the unofficial respondents to satisfy the revisional authority that his jurisdiction was not invoked belatedly; and such a burden could not be shifted to the appellant-writ petitioners.

Sri N.Vasudeva Reddy, learned counsel appearing on behalf of the unofficial respondents, would draw our attention to the assertions in the revision, filed by the unofficial respondents before the Joint Collector, wherein it is stated that the name of the father of the revision petitioners was recorded in the khasra pahani 1954-55; during 1983, the Government had issued pattadar pass books in the name of the late father, of the revision petitioners, as the owner of the land; in 1973 the father of the revision petitioners had taken an LMB loan, and had dug an open well in the said land; xerox copies of pahanies, from the year 1958-59 to 1978-79, were

submitted to show that the father of the revision petitioners was the owner of the said land; for the first time in 1979-80, the name of the appellant-writ petitioners was recorded, as the owner of the said land, in the record of rights without any file number, without any proceeding number and without any mention of the document or the decree of the Civil Court; this was an erroneous entry; several petitions were filed before the Tahsildar by the revision petitioners; every time the Tahsildar obtained a report from the Mandal Revenue Inspector who reported that the revision petitioners were alone in actual possession of the said land, and were personally cultivating the land for the last 60 years from the time of their late father Sri Veerappa; however, the Tahsildar did not correct the name of the unofficial respondents in the revision (appellant-writ petitioners) in the record of rights, and in all pahanies, even though it was only a clerical mistake; the revision petitioners had approached the Revenue Divisional Officer, Narayanpet who directed the Tahsildar to correct the illegal entry, if it was a clerical mistake, enclosing a copy of the letter of the Chief Commissioner of Land Administration dated 14.10.1999 prescribing guidelines; the Tahsildar did not take any steps for correcting the wrong entry; and, therefore, the jurisdiction of the revisional authority was invoked.

It does appear from the petition, filed by the revision petitioners before the Joint Collector (i.e the unofficial respondents herein) that they have been agitating ever since 1983 to have the erroneous entry in the revenue records, made in the year 1979-80, corrected. If the appellant-writ petitioners had put the inordinate delay, in invoking the jurisdiction of the revisional authority in

issue, the revisional authority would then have been obligated to examine this question, and pass an order as to whether such a revision was liable to be entertained. We may not be understood to have held that the burden is always on the respondents before the revisional authority to question the maintainability of the revision on the ground of delay for it is the revision petitioner who invokes the jurisdiction of the revisional authority and it is, ordinarily, for him to satisfy the revisional authority that he was justified in invoking the jurisdiction of the revisional authority despite the inordinate delay.

In the present case, however, it does appear from the revision petition itself that the revision petitioners (i.e unofficial respondents herein) had questioned the entry made in the year 1979-80, recording the names of the appellant-writ petitioners therein, less than four years thereafter in the year 1983. It also appears from the order of the revisional authority that the name of the father of the unofficial respondents (revision petitioners) was entered in the khasra pahani for the year 1954-55, and in almost all the pahanies subsequent thereto till 1978-79. Even in the Suit filed by the appellant-writ petitioners, seeking perpetual injunction restraining the unofficial respondents from interfering with their possession, no order of injunction has been passed in their favour.

The jurisdiction which this Court exercises, under Clause 15 of the Letters Patent, is extremely limited and, in an intra-court appeal, interference is justified only if the order under appeal suffers from a patent illegality. The Learned Single Judge has not only taken note of the contents of the revision filed by the unofficial respondents before the revisional authority, but has also examined

the question of delay and has recorded his satisfaction that, in the facts and circumstances of the present case, the Writ Petition could not be dismissed on this ground. The Learned Single Judge has examined the matter to satisfy himself that the order of the revisional authority was valid and has exercised his discretion, under Article 226 of the Constitution of India, to refrain from interference.

We see no reason, therefore, to interfere with the order of the Learned Single Judge in an intra-Court appeal under Clause 15 of the Letters Patent, more so as the interests of the appellant-writ petitioners have been adequately safeguarded by the Learned Single Judge making it clear that the observations made in the writ petition would have no bearing on the Suit pending before the Civil Court, or on the question of title/ownership and possession of the subject land. Suffice it therefore, while dismissing this appeal, to make it clear that the Civil Court shall adjudicate the Suit uninfluenced either by the observations made in the order under appeal or in the order now passed by us.

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

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**(RAMESH RANGANATHAN, ACJ)**

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**(GUDISEVA SHYAM PRASAD, J)**

11<sup>th</sup> December, 2017  
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**Date: 11.12.2017**