

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.44462 of 2017

ORDER:

Petitioners have filed this Writ Petition challenging the initiation of proceedings by 3rd respondent at the instance of respondent Nos.5 to 10 under Section 5(5) of the A.P. Rights in Lands and Pattadar Pass Books Act, 1971 in respect of land admeasuring Ac.2.20 cents in R.S.No.100/1 of Anumallanka Village of Gampalagudem Mandal.

2. Learned counsel for petitioners contend that for cancellation of pattadar pass book and title deed, the appeal cannot be maintained in view of the decision in **Ratnamma Vs. The Revenue Divisional Officer, Dharmavaram, Ananthapur District and others**¹.

3. Respondent Nos.5 to 10 have not only sought for cancellation of pattadar pass book and title deed in respect of subject land but they have also challenged the mutation of the said land as well as land in an extent of Ac.4.66 cents in R.S.No.1116 of the said village.

4. Therefore, in my considered opinion, when mutation of name of petitioners is also in issue, the appeal filed by respondent Nos.5 to 10 cannot be said to be not maintainable.

¹ 2015(6) ALD 609 (DB)

5. Accordingly, granting liberty to petitioners to contest the said appeal, this Writ Petition is dismissed. No costs.

6. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 27-12-2017

Vsv/*

