THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.8317 OF 2018

Dated:09.04.2018

Between:

Mandalapu Kotaiah, S/o. Seshaiah,
Aged 80 years, Occ: Agriculturist,
R/o. Near S.T. Hostel, Pullalacheruvu
Village and Mandal, Prakasam District .. Petitioner

And

The State of Andhra Pradesh, rep., by its
Principal Secretary, Revenue Department,
Secretariat, Velagapudi, Guntur District
and others .. Respondents

The Court made the following:

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ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Revenue appearing for the respondents.

2. Petitioner claims that he is the owner and pattadar of land to an extent of Acs.2.39 cents in Survey Nos.420/11 of Pullalacheruvu Village and Mandal, Prakasam District. He is in possession and enjoyment of the said land. Grievance of the petitioner is, though he is the owner of the subject land and was issued pattadar passbook and title deeds for the said land and also for some other extents of lands mentioned in paragraph No.2 of the affidavit filed in support of the Writ Petition, name of Jasthi Venkatravamma was recorded in the revenue records for the subject land. Having come to know about the wrong entry made by the Tahsildar, Pullalacheruvu Mandal, Prakasam District, petitioner preferred appeal before the District Collector, Prakasam District, in the year 2017. Alleging inaction in disposal of the said appeal, this Writ Petition is filed.

3. Assuming that such appeal is maintainable as per Section 5(5) of the Andhra Pradesh Rights in Land and Pattadar Passbooks Act, 1971 (for short, 'the Act'), appeal would lie to the Revenue Divisional Officer against the decision made by the Tahsildar and the District Collector is only a revisional authority under Section 9 of the Act. Thus, it cannot be said that the District Collector erred in not acting on the appeal stated to have been preferred by

the petitioner. Therefore, no direction as sought for by the petitioner can be granted.

4. The Writ Petition is accordingly disposed of leaving it open to the petitioner to prefer appeal against the entries made in the revenue records by the Tahsildar in accordance with Section 5(5) of the Act. There shall be no order as to costs.

Miscellaneous Petitions, if any, filed in this Writ Petition shall stand closed.

P. NAVEEN RAO, J

Date:09.04.2018
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HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
सत्यमेव जयते