

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.14029 OF 2016

DATED :19.02.2018

Between :

Changati Padmavati W/o.Late Nageshwar Rao,
Age : 48 yrs, Occu : Housewife,
R/o.Penuganchiprolu Town and Mandal,
Krishna District.

.. Petitioner

And

The State of A.P.,
Rep., by its Principal Secretary,
Revenue Department, Secretariat,
Hyderabad, A.P. & others.

.. Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.14029 OF 2016

ORDER :

Heard. With the consent of both counsel Writ Petition is disposed of finally.

2. In this writ petition petitioner challenges notice dated 26.03.2016 issued by the Tahsildar, Penuganchiprolu, calling upon the petitioner to appear before him, with all relevant records and pattadar pass books. On 19.04.2016 petitioner filed her explanation in response to the said notice. However, even before a decision was made, this writ petition was filed alleging that representation submitted by petitioner was ignored and was repeatedly called to appear before the Tahsildar.

3. As noted above, what is under challenge is a notice issued by the Tahsildar. A reading of the notice would show that the 5th respondent who is mother-in-law of the petitioner made an application to the Tahsildar, requesting to incorporate her name in the Adangal on land to an extent of 57 ½ cents in R.S.No.395/2C and Ac.1-00 cents in Sy.No.332/4B of Penuganchiprolu village. Based on the said application, the impugned notice was issued.

4. Learned counsel for petitioner does not dispute that Tahsildar is competent to issue such notice. However, he sought to contend that notice not only seeks to carry out corrections in the Adangal, but also seeks to carry out corrections in the pattadar pass books and title deeds issued to the petitioner long ago. This piece of land has fallen to the share of her husband and after his death she has succeeded to the same. In support of the contention

that no appeal/ application lie against entries in pattadar passbook learned counsel placed reliance on the decision of this Court in ***“Kuruva Hanumanthamma Vs Principal Secretary, Revenue Department, Hyderabad and others¹”***, and contends that if a party is aggrieved by the entries in pass books, that person should avail the remedy of revision under Section 9 of the A.P.Rights in Land and Pattedar Pass Books Act, 1971.

5. As noted above, the notice against which this writ petition is filed is a show cause notice asking the petitioner to show cause why request of the 5th respondent to correct her name in the revenue records should not be accepted. The entries in the pattadar pass books reflect the entries made in the revenue records. If the revenue records are corrected, it would necessarily follow that the pass books must be updated to reflect the entries in the revenue records. Thus, merely because pass books were asked to be produced does not amount to undertaking exercise of correction of entries in pass books only as sought to be contended by learned counsel for the petitioner.

6. The notice issued is not vitiated on the ground of incompetency of Tahasildar. Thus, the Court is not inclined to entertain the writ petition. If petitioner has any claim or seeks to oppose the claim of 5th respondent on any ground, it is always open to her to raise those grounds before the Tahsildar.

7. At this stage, learned counsel for the petitioner seeks liberty to submit additional explanation raising additional pleas.

¹ 2018 (1) ALD 290

8. The Writ Petition is dismissed. However, liberty is granted to the petitioner to submit additional explanation, if so advised. If the petitioner chooses to submit additional explanation, the same shall be made within three (3) weeks from the date of receipt of copy of this order. If such additional explanation is filed within the time granted, the same shall also be considered. If no such additional explanation is filed within the time granted, it is open to the Tahsildar to proceed with the enquiry as per the notice impugned in the writ petition. Before taking a decision, due opportunity should be afforded to both parties. There shall be no order as to costs. All pending Miscellaneous petitions stand closed.

19th February, 2018
Rds

P.NAVEEN RAO,J

