THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION NO.11587 OF 2007

ORDER:

This writ petition is filed challenging the order of the second respondent dated 14.09.2006 in proceedings No.E3/5955/2005.

2. It is the case of the petitioner that an extent of land admeasuring Ac.1-07 guntas in Sy.No.208, situated at Desaipet Village, Warangal Mandal and District, was allotted in favour of one Jannu Mallaiah under a patta. Under a settlement deed, the subject land was allotted to the share of the petitioner and the petitioner's name was mutated in the revenue records and the change of land use was effected. While so, the third respondent filed an application before the second respondent seeking to delete the name of the petitioner and another in the pahanies from 1980-81 till date in respect of subject land. In pursuance of the same, the second respondent issued a notice to the petitioner on 01.07.2006 stating that the Mandal Revenue Officer, Warangal, reported to him that the names of the petitioner and another were recorded in the revenue records illegally and directed the petitioner to appear before him to answer the same. The petitioner filed a reply stating the facts as to how he has got the property and requested the second respondent to drop the proceedings. Having dissatisfied with the reply, the second respondent passed the impugned order stating that the entries made in the pahanies from 1980-81 onwards are illegal and made by incompetent persons without any authority and directed the Mandal Revenue Officer, Warangal, to rectify the pahanies and required revenue records

duly deleting the names of the petitioner and another and restore the original pattedars.

3. Heard.

4. Sri A.Ravinder, the learned counsel for the petitioner, submits that the impugned order is the one without jurisdiction and the enquiry report of the Mandal Revenue Officer, Warangal, which is relied upon by the second respondent, was prepared without issuing any notice or proper opportunity to the petitioner and hence the same is in gross violation of principles of natural justice and sought to set aside the impugned order. In support of his arguments, he placed reliance upon a decision of this Court in **K.Gnaneshwar Vs. State of Andhra Pradesh**[1], wherein it has been held that the entries in the revenue records cannot be corrected under Section 87 of the Andhra Pradesh (T.A) Land Revenue Act, 1317 Fasli (for short, the Act) without obtaining sanction from the Government.

5. A fair reading of the impugned order, it is clear that the second respondent, totally relying on the report of the Mandal Revenue Officer to the effect that there was interpolation of the original record, has passed the same. This is not a case of carrying out clerical errors, but both the petitioner and the third respondent belongs to the same family tree carrying the same surname or claiming right and interest upon the subject land and hence, making corrections under Section 87 of the Act by the second respondent is unwarranted.

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[1] 2005 (4) ALT 130

6. Without going into the merits of the case with regard to right and title of the parties over the subject lands, to meet the ends of justice, this writ petition is disposed of, setting aside the order of the second respondent dated 14.09.2006. The petitioner and third respondent are given liberty to represent their respective cases before the concerned Mandal Revenue Officer in support of their claims within a period of one month from the ate of receipt of a copy of this order. On such representation/s, the concerned Mandal Revenue Officer shall decide the same in accordance with law, within a period of two months thereafter, by affording them the opportunity of personal hearing. It is needless to observe that the petitioner and the third respondent shall cooperate with the proceedings before the concerned Mandal Revenue Officer. As a sequel, the miscellaneous petitions pending if any shall stand closed. No order as to costs.

T.AMARNATH GOUD, J

Date: 20-09-2018
TJMR