

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

**WRIT PETITION Nos. 24183, 26222, 26266 AND
26335 of 2007**

COMMON ORDER:

In all these writ petitions, since the issue is one and the same, they are heard together and being disposed of by this common order.

2. On the last dates of hearing, it is informed that Smt.N.(P) Anjana Devi, learned counsel for the petitioners in all the writ petitions, seriously fell ill and bedridden due to health reasons and hence the matters were being adjourned from time to time and the Registry was directed to send notice to the petitioners and to print the name of the petitioners in the cause list. Thereafter, though the names of the petitioners were printed in the cause list, they did not choose to appear before this Court. Since the matters pertain to the year 2007, after hearing Sri D.Krishna, Assistant Government Pleader for Revenue, and the learned counsel for the unofficial respondents, the matters are being taken up for disposal.

3. The facts of the case are that Divvi Sathya Nageswara Rao, Divvi Srinivas and Divvi Sathya Padmavathi Devi, petitioner Nos.2 to 4 in WP.No.24183 of 2007, are the children of late Divvi Harinadha Kodanda Ramaiah @

Haribabu, while Smt.Divvi Kowsalya, petitioner in WP.No.24183 of 2007, is his first wife. Smt.Satyavathi who is the mother of Smt.Divvi Veera Varalakshmi @ Veera Lakshmi, Divvi Veerababu and Divvi Durga Prasad, respondent Nos.2 to 4 in WP.No.24183 of 2007, is the second wife of late Divvi Harinadha Kodanda Ramaiah @ Haribabu. Smt.Satyavathi died in the year 1995 and Divvi Harinadha Kodanda Ramaiah @ Haribabu died in the year 1996 leaving behind the petitioners and respondent Nos.2 to 4 in WP.No.24183 of 2007 to succeed his estate as class-I legal heirs.

4. After the death of Smt.Satyavathi and Divvi Harinadha Kodanda Ramaiah @ Haribabu, when the petitioners in WP.No.24183 of 2007 incorporated their names alone in the revenue records in respect of the properties of Harinadha Kodanda Ramaiah @ Haribabu, respondent Nos.2 to 4 in WP.No.24183 of 2007 filed R.O.R.Petition No.2 of 2007 under Section 5(1) of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (for short, the Act) before the first respondent seeking to suspend the existing record of rights in the village accounts and also sought a direction to the petitioners in WP.No.24183 of 2007 to deposit the ryot pass books and title deeds. Apart from the same, the sisters of Harinadha Kodanda Ramaiah @ Haribabu viz., Smt.Aanala Satya Lakshmi Nagamani, Smt.Pokala Satya Kumari and

Smt.Kethineedi Surya Lakshmi Tulasi Ramadevi, filed R.O.R.Petition Nos.4, 5 and 3 of 2007, respectively, before the first respondent, claiming shares in the properties on the ground that the properties are ancestral properties, and sought same relief. The first respondent, in ROR.Petition No.2 of 2007, by order dated 29.10.2007, suspended the record of rights incorporated in the name of the petitioners in WP.No.24183 of 2007. Challenging the order of the first respondent dated 29.10.2007 in R.O.R.Petition No.2 of 2007, W.P.No.24183 of 2007 is filed, while W.P.Nos.26222, 26266 and 26335 of 2007 were filed challenging R.O.R.Petition Nos.4, 5 and 3 of 2007, respectively.

5. A perusal of the records, it is clear that the unofficial respondents in all the writ petitions filed aforesaid R.O.R.Petitions before the first respondent under Section 5(1) of the Act and the first respondent suspended the record of rights incorporated in the name of the petitioners in WP.No.24183 of 2007, by his order dated 29.10.2007 in R.O.R.Petition No.2 of 2007. It is to be noted that as per Section 9 of the Act, as against the order passed by any Recording Authority, revision lies before the concerned District Collector. Section 9 of the Act reads as under:

“9. Revision:-

The Collector may either *suo motu* or on an application made to him, call for and examine the

record of any Recording Authority, Mandal Revenue Officer or Revenue Divisional Officer under Sections 3, 5, 5-A or 5-B, in respect of any record of rights prepared or maintained to satisfy himself as to the regularity, correctness, legality or propriety of any decision taken, order passed or proceedings made in respect thereof and if it appears to the Collector that any such decision, order or proceedings should be modified, annulled or reversed or remitted for re-consideration, he may pass orders accordingly:-

Provided that no such order adversely affecting any person shall be passed under this section unless he had an opportunity of making a representation.”

6. Though the writ petitioners did not choose to file revisions under Section 9 of the Act, as the disputed questions of facts are involved in the present writ petitions with regard to sharing of the properties amongst family members, this Court is inclined to dispose of the writ petitions with liberty to the petitioners to prefer revisions before the competent authority, within a period of two months from the date of receipt of a copy of this order, and the revisional authority shall decide the same within a period of three months thereafter, in accordance with law, after affording reasonable opportunity to both sides.

7. The writ petitions are accordingly disposed of. No costs. Miscellaneous petitions, if any, pending in these writ petitions shall stand closed.

T.AMARNATH GOUD, J

Date: 12-10-2018
TJMR