

THE HON'BLE SRI JUSTICE S.V.BHATT

W.P. No.20305 of 2018

ORDER:

Heard Mr.Balarami Reddy for petitioner and the learned Assistant Government Pleader for respondents 1 to 6.

The writ prayer reads as follows:

“Writ of Mandamus by declaring the action of the respondents No.1 to 3 and 5 to 8 in deleting the name of the petitioner and including the name of the respondent Nos. 9 and 10 in respect of the properties in Sy.No.125-2 to the extent of Ac.0.50 cents and in Sy.No.125-3 to the extent of Ac.0.59 cents in ROR 1B Adangal/Pahani without the knowledge of the petitioner is illegal, arbitrary, malafied and against to the procedure and consequently direct the respondent Nos.1 to 3 and 5 to 6 to restore the name of the petitioner in ROR 1B Adangal/Pahani which was deleted.”

The issue substantially arises under A.P.Rights in Land and Pattadar Pass Books Act, 1971 (for short ‘the Act’).

The petitioner for invoking the extraordinary jurisdiction of this Court under Article 226 of Constitution of India, among other averments makes the following categorical allegations against the 7th

respondent and collusive acts of respondents 8 to 10.

The allegations are excerpted hereunder:

“The petitioner also came to know that the 7th respondent while retiring from service on 30-11-2017 with the collusion of respondent Nos.8 and 10 has changed the records in respect of the properties of the petitioner to the extent of Ac.0.50 cents in Sy.No.125-2 and an extent of Ac.0.59 cents in Sy.No.125-3 on 04-10-2017 in the name of 9th respondent even though the petitioner is pattadar and land owner to the extent of Ac.1.00 in Sy.No.125-2 and to the extent of Ac.1.18 cents in Sy.No.125-3 without the knowledge of the petitioner.

Taking advantage of it the 8th respondent executed the register sale deed dt.04-10-2017 on the very same day in respect of the land to the extent of Ac.0.50 cents in Sy.No.125-2 and an extent of Ac.0.59 cents in Sy.No.125-3, to the 9th respondent without any boundaries and his name appeared in 1B namuna of ROR in respect of the land to the extent of Ac.0.50 cents in Sy.No.125-2 and an extent of Ac.0.59 cents in Sy.No.125-3. Due to which the petitioner has put to great loss and being a poor farmer the petitioner has no capacity to face the mighty people who are very strong both politically and financially.

It is pertinent to mention here that there are several such cases committed by the respondent Nos.5 to 8 in Madakasira Mandal and the same was brought to the notice of the 1st and 2nd respondents on 27-03-2018 by the counsel in W.P.No.6711 of 2018 in respect of similar case of Smt.Sanjevamma and requested to enquire into the matter and to rectify the misdeeds and see that, action to be taken against the respondent

Nos.5 to 8 for their illegal acts so that not to give any scope to create litigation to the poor public and should not made them to suffer for no fault of them. But so far it appears no action has been taken by the higher authorities. Therefore the respondent Nos. 5 and 6 were also made parties by name in their individual capacity as respondent Nos.7 to 8.”

Therefore, the petitioner prays for thorough enquiry into the propriety, legality, regularity and correctness of entries in 1-B register *ex post facto* retirement of 7th respondent or prior to that be undertaken.

The Assistant Government Pleader contends that the petitioner can avail the remedy of appeal under Section 9 of the Act and this Court in ***Kuruva Hanumanthamma v. Prl. Secy., Revenue Dept., Hyderabad and others***¹ considered the scope and ambit of jurisdiction the authority has under Section 9 of the Act and has laid down that Collector has wide power and jurisdiction in examining the prayer, legality in the facts and correctness of a decision taken or order passed or maintenance of 1-B register. Therefore, he objects to the maintainability of writ petition and further states that the revision, if is filed by petitioner

¹ 2017 (6) ALT 449

under Section 9 of the Act, before the 2nd respondent, the 2nd respondent is under obligation to discharge the duty, function and power under Section 9 of the Act keeping in view the ratio laid down by this Court in ***Kuruva Hanumanthamma's case***. As a few circumstances are brought to the notice of this Court, this Court while relegating party to avail the remedy of revision, to meet the ends of justice and to ensure exercise of jurisdiction, the above discussion is undertaken.

The writ petition is disposed of by taking note of the above raised objections by the respondents as follows:

- (a) The petitioner is given liberty to file revision within four (04) weeks from today by enclosing a copy of this order before the 2nd respondent.
- (b) The 2nd respondent disposes of the revision keeping in view the ratio of this Court in ***Kuruva Hanumanthamma's case*** as revisional authority under Section 9 of the Act.
- (c) The 2nd respondent, circumstances if warrant takes up both adjudication of rights and also necessary penal action

against issuing officers if the records are either maintained or tampered in breach of trust reposed in the officers by the system. The revision is heard and disposed of within three months from the date of receipt of revision. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

Dt: 20.06.2018
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S. V. BHATT, J



