THE HON'BLE THE CHIEF JUSTICE UJJAL BHUYAN
AND
THE HON'BLE SRI JUSTICE N. TUKARAMJI

WRIT APPEAL No.759 of 2007

JUDGMENT: *(Per the Hon'ble the Chief Justice Ujjal Bhuyan)*

Heard Mr. K.V.Bhanu Prasad, learned Senior Counsel for the appellants and Mr. A.Sudarshan Reddy, learned Senior Counsel for respondents No.1 and 2/writ petitioners. We have also heard Mr. T.Srikanth Reddy, learned Government Pleader for Revenue representing respondents No.3 to 5.

2. This appeal has been preferred assailing the order dated 24.11.2005 passed by the learned Single Judge allowing W.P.No.25832 of 2000 filed by respondents No.1 and 2 as the writ petitioners.

3. Respondents No.1 and 2 had assailed legality and validity of the order dated 10.12.1998 passed by the Joint Collector, Warangal, in exercise of his revisional jurisdiction under Section 9 of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971.

4. The facts of the case as projected in the writ petition has been summed up by the learned Single Judge in the following manner:

> The facts giving raise to filing of the writ petition, in brief, are: 2nd petitioner is the father of 1st petitioner. 2nd petitioner inherited an extent of Ac.3.00 cents comprising Survey No.307/2 from his father-B.Kistaiah, who claims to have purchased the land under a registered sale deed dated 30.10.1958. 2nd petitioner executed a gift deed in respect of the land in question on 15.06.1989 in favour of 1st petitioner. 1st petitioner filed an application before the Mandal Revenue Officer, Mahabubabad-3rd respondent, for regularization of the transfer and for issuance of pattadar passbook/title deed in his favour. On considering the material on record, the Mandal Revenue Officer regularized the gift deed and issued pattadar passbook/title deed in favour of 1st petitioner. The order passed by the Mandal Revenue Officer came to be challenged before the appellate authority i.e. Revenue Divisional Officer, Mahabubabad-2nd respondent. The Revenue Divisional Officer confirmed the order passed by the Mandal Revenue Officer. Thereupon, 4th respondent herein filed a revision before the Joint Collector, Warangal-1st respondent, who remanded the matter to the Revenue Divisional Officer for fresh disposal. The Revenue Divisional Officer, on remand, confirmed the order of the Mandal Revenue Officer. Thereupon, 4th respondent filed a revision before the Joint Collector, Warangal-1st respondent challenging the order of the Revenue Divisional Officer. The Joint Collector allowed the revision setting aside the orders passed by the original

> authority as well as the appellate authority. Hence, this writ petition.

5. On consideration of rival pleadings, learned Single Judge framed the issue for consideration as under:

> Whether the land in question is a government land or patta land?

6. After due consideration, learned Single Judge held that there was no material on record to show that the land in question is a government land. Accordingly, order of the Joint Collector dated 10.12.1998 was set aside. Learned Single Judge held as follows:

> 7. The issue that requires to be resolved is whether the land in question is a government land or patta land. The Mandal Revenue Officer and the Revenue Divisional Officer, who are the original and appellate authorities respectively, recorded a finding that the land in dispute is a patta land. The Joint Collector on verifying some records assumes that the land in question is not a patta land and therefore, concluded that the 1st petitioner is not entitled for grant of pattadar passbook/title deed. The only reference made by the Joint Collector to draw such a conclusion is Form-X submitted under Section 5 of the Act. This Court on 02.08.2005 directed the learned Government Pleader for Revenue to place on record Form-X. Accordingly, learned Government Pleader placed on record a copy of the Form-X. The 1st petitioner stated in Form-X that he has been in

> possession of the land from 15.06.1989 i.e. from the date of gift deed. There is no material on record placed by the 4th respondent to show that the land in question is a government land. Neither the Mandal Revenue Officer nor the Revenue Divisional Officer stated in their orders that the land in question is a government land. In that view of the matter, I find that the conclusion reached by the revisional authority i.e. the Joint Collector, Warangal-1st respondent that the said land is a government land is contrary to the material placed on record.
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> 8. Accordingly, the writ petition is allowed setting aside the order in D.Dis.No.B6/3422/98, dated 10.12.1998, passed by the Joint Collector, Warangal-1st respondent and restoring the order in file No.B/3344/96, dated 31.03.1998 passed by the Revenue Divisional Officer, Mahabubabad-2nd respondent (appellate authority) as well as the order in file No.B/04/96, dated 10.07.1996, passed by the Mandal Revenue Officer, Mahabubabad-3rd respondent (original authority). No costs.

7. On leave being granted, present appeal has been filed by the appellants.

8. According to learned Senior Counsel for the appellants, the land in question belongs to the Mahabubabad Gram Panchayat.

9. We find that Mahabubabad Gram Panchayat has not challenged the order of the Joint Collector dated 10.12.1998 declaring the land in question as a government land.

10. On a query by the Court, learned Senior Counsel for the appellants submits that the Gram Panchayat had earlier filed a writ appeal, being W.A.No.366 of 2006 against the order of the learned Single Judge, but the same was withdrawn on 10.07.2006. Present appellants are members of the Gram Panchayat.

11. On a further query by the Court as to whether the appellants are still members of the Gram Panchayat since the appeal was filed in the year 2007, learned Senior Counsel for the appellants fairly submits that appellants are no longer members of the Gram Panchayat.

12. As already noticed above, if the contentions of the appellants are to be accepted, it is the Gram Panchayat which is the aggrieved party. As a matter of fact, it had earlier filed a writ appeal which was dismissed on withdrawal. Appellants might have been ward members of

the Gram Panchayat at the time of filing the writ appeal, but they are no longer members of the Gram Panchayat.

13. Therefore, we are of the view that appellants lack *locus standi* to institute the present appeal against the order of the learned Single Judge dated 24.11.2005.

14. That being the position, we are not inclined to entertain the appeal.

15. Writ appeal is accordingly dismissed.

Miscellaneous applications pending, if any, shall stand closed. However, there shall be no order as to costs.

UJJAL BHUYAN, CJ

N. TUKARAMJI, J

25.01.2023
vs