Date of reserved for orders: 19.09.2026
Date of pronouncement : 12.10.2026
Date of uploading : 12.10.2026

APHC010470472026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3331]
(Special Original Jurisdiction)

MONDAY, THE 12th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 26090/2026

Between:

1. B ASWARTHANARAYANA, S/O. LATE NARAYANAPPA, AGED ABOUT 47 YEARS, OCC AGRICULTURE R/O. D.NO.29-1-155, KOTNURU VILLAGE, HINDUPUR MANDAL SRI SATYA SAI DISTRICT.515201

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP., BY ITS PRINCIPAL SECRETARY REVENUE DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.533328
2. THE DISTRICT COLLECTOR, SRI SATYA SAI DISTRICT.515134
3. THE JOINT COLLECTOR, SRI SATYA SAI DISTRICT.515134
4. THE REVENUE DIVISIONAL OFFICER, PENUKONDA REVENUE DIVISION SRI SATYA SAI DISTRICT.515110
5. THE TAHSILDAR, HINDUPUR MANDAL, SRI SATYA SAI DISTRICT.515201
6. T HYMAVATHI, W/O. SATYANARAYANA, AGED ABOUT NOT KNOWN TO THE PETITIONER R/O. D.NO.26-4-3002, BALAJI NAGAR, HINDUPUR MANDAL, SRI SATYA SAI DISTRICT.515201

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased toissue an appropriate writ order or direction more particularly one in nature of Writ of Mandamus declaring the Order in D.Dis.No.3859/2025/B, dated 25.05.2026 passed by the respondent No.4 setting aside the Orders in Spl.Reg.No.59/2025, dated 07.02.2025 issued by the respondent No.5 and remanding the matter to him for fresh disposal by considering the registered documents, despite having recorded a finding that there are two rival claims and that both the rival claims are founded upon registered documents executed by the same person, as arbitrary, illegal, colorable exercise of power and contrary to the well established legal principles apart from being violative of the fundamental and the Constitutional rights guaranteed to me under Articles 14, 19, 21 and 300-Aofthe Constitution of India and consequently set aside the same

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased grant stay of all further proceedings, in pursuance of the Order in D.Dis.No.3859/2025/B, dated 25.05.2026 passed by the respondent No.4, pending disposal of the above Writ Petition

Counsel for the Petitioner:

1. V R REDDY KOVVURI

Counsel for the Respondent(S):

1. GP FOR REVENUE
2. P NARAHARI BABU

The Court made the following:

ORDER

Assailing the proceedings issued by the 4th Respondent vide D.Dis.No.3859/2025/B, the above writ petition was filed.

2. a) The averments in the affidavit, in brief, are as follows. An extent of Ac. 3.20 cents in Survey No. 228-1, Ac.1.50 cents in Survey No. 259-6,

Ac.2.95 cents in Survey No. 274-4, Ac.0.93 cents in Survey No. 317-8 and Ac.1.00 cents in Survey No. 319-4, Kontur Village, Hindupur Mandal, Sri Satyasai District originally belonged to the petitioner's grandfather, Aswarthappa. The petitioner's grandfather executed an unregistered Will dated 10.03.1969 in favour of his second wife, B. Aswarthamma, bequeathing all the movable and immovable properties, including the subject land. Petitioner's father, Narayanappa, filed suit OS No. 9 of 1980 on the file of the Subordinate Judge, Pengonda, seeking partition of the properties.

b) A preliminary decree was passed on 15.10.1981, for one-half share in favour of the children of the first wife collectively and the remaining share in favour of B. Aswarthamma, the second wife. The petitioner's father filed an appeal, A.S. No. 17 of 1985, on the file of the Additional District Judge, Hindupur, and the same was dismissed on 31.08.1999. The second appeal, S.A. No. 181 of 2000, filed, was dismissed. The SLP 31057 of 2018 was also dismissed on 07.04.2018. After the preliminary decree, no final decree was passed.

c) The 6th respondent purchased the subject land from B.Aswarthamma through a registered sale deed dated 27.06.2012 and thereafter made an application seeking updation of the Record of Rights and for issuance of Pattadar Pass Book and Title Deed. The 6th respondent filed W.P. No. 21772 of 2020 assailing the inaction of the respondent No. 4, the Tahsildar, in not passing orders. The writ petition was disposed of, directing the respondent No. 4 to consider the application, after issuing notice to the concerned parties and pass appropriate orders within six weeks. The 4th respondent, by proceedings R.C.No.1511/2019/B dated 22.01.2021, directed the respondent No. 5 to conduct de novo enquiry.

d) Aggrieved by the same, the petitioner filed WP No. 2510 of 2021. The writ petition was disposed of on 31.01.2024, directing the 5th respondent to issue notices to all the parties concerned, including the petitioner and the

6th respondent and thereafter pass appropriate orders strictly on merits. The 5th respondent issued notices to the petitioner as well as the 6th respondent and Aswarthamma. The petitioner appeared before the 5th respondent and submitted all the relevant documents, including Hakku Vidudala document dated 09.08.2024 executed by said Aswarthamma in respect of her half share in the subject land, which had been decreed in her favour.

e) The 5th respondent issued proceedings vide Spl.Regd.No.59/2025, dated 07.02.2025 (Ex.P7), ordering mutation of revenue entries in favour of the petitioner. The 6th respondent filed an appeal before the 4th respondent. The 6th respondent, pending the appeal before the 4th respondent, approached the 5th respondent and submitted Form-VI A to update her name in the Record of Rights and to issue e-Pattadar Pass Book and Title Deed. The 5th respondent issued Form-VIII notice to the petitioner calling upon him to submit objections, if any. The petitioner raised objections. The 5th respondent, by proceedings vide Spl.Reg.No.59/2025, dated 01.09.2025, rejected the claim of the 6th respondent. The petitioner filed W.P.No.27681 of 2025 complaining of interference, wherein an interim order was granted on 09.10.2025.

f) By the proceedings impugned in the writ petition, the 4th respondent remanded the matter to the 5th respondent for fresh disposal after conducting a comprehensive enquiry in accordance with the provisions of the A.P. Rights in Land and Pattadar Pass Books Act, 1971 and the Rules made thereunder.

3. Heard Sri V.R. Reddy Kovvuri, learned counsel for the petitioner, Sri P.Narahari Babu, learned counsel for the 6th respondent and Sri Divya Teja, learned Assistant Government Pleader.

4. Sri V.R. Reddy Kovvuri, learned counsel for the petitioner, submitted that the 4th respondent exceeded its jurisdiction by passing Ex.P1 proceedings. He would further submit that due to serious dispute between the

petitioner and 6th respondent, the 4th respondent ought to have directed the petitioner to approach the Civil Court, instead the 4th respondent directed the Tahsildar, to consider the registered sale deed bearing document No.7107 of 2012, dated 21.05.2012; Hakku Vidudala Dasthaveju bearing document No.6 of 2024 dated 09.08.2024; examine the judgments and decrees in O.S.No.9 of 1980, A.S.No.17 of 1985, S.A.No.181 of 2000 and SLP (C) No.31057 of 2018; examine all objections, explanations an documentary evidence submitted by the parties; and pass a reasoned speaking order. He also submits that by virtue of said direction, the 5th respondent will decide the title dispute between the petitioner and 6th respondent, which is impermissible.

5. Sri P.Narahari Babu, learned counsel for the 6th respondent, would submit that earlier the 5th respondent passed an order without considering the documents in proper perspective and hence, the 4th respondent, in the appeal filed by the 6th respondent, set aside the order passed by the 5th respondent and remanded the matter for fresh consideration. He would submit that while remanding the matter, the 4th respondent directed the 5th respondent-Tahsildar to look into all the documents available. In fact, the 4th respondent clarified that the observations, if any, are only for the purpose of deciding the appeal and shall not be construed as a final adjudication of title or ownership over the subject property. He would also submit that the authority, while considering updation of the Record of Rights, will conduct a summary enquiry and will not adjudicate the title dispute.

6. Sri Divya Teja, learned Assistant Government Pleader, supported the order passed by the 4th respondent and would contend that the 4th respondent remanded the matter to the 5th respondent. The 5th respondent considers all the material and conducts the enquiry adhering to the procedure envisaged in the Act and the Rules made thereunder.

7. The points for consideration are:

1) **Whether the observations, if any, made by the 4th respondent while remanding the matter to the 5th respondent would vitiate the proceedings?**
2) **Whether the observations, if any, made by the 4th respondent bind the 5th respondent?**
3) **What is the scope of the enquiry under Section 5 of the Act and Rule 18 and 19 of the Rules, when an application is made by a person vis-à-vis updation of the Record of Rights?**

8. The facts narrated *supra* require no reiteration. The petitioner and his father were unsuccessful before the Courts regarding the half extent allotted to Smt. B.Aswathamma. The petitioner is now claiming the property from Smt.B.Aswathamma by virtue of a Hakku Vidudala/ Release Deed 09.08.2024. The 6th respondent is claiming the same property by virtue of a sale deed vide Doc. No. 7107 of 2012.

9. In fact, as narrated *supra*, the petitioner's name was updated in the Record of Rights in respect of the property in dispute, and thereafter the 6th respondent filed an appeal, and the appeal was allowed and remitted to the Tahsildar, the 5th respondent.

I. <u>REVENUE RECORDS NEITHER CREATE NOR EXTINGUISH TITLE</u>:

10. In a recent authoritative pronouncement, in **Vadiyala Prabhakar Rao Vs. State of A.P.**[1] the Hon'ble Apex Court considered the scope of jurisdiction vis-à-vis deciding serious disputes of fact as well as the Revenue entries and their legal effect and observed that Article 226 is not the forum for deciding serious disputes of fact and title, which shall be adjudicated in a regular suit. The relevant paragraph 16 is reproduced as under:

[1] 2026 SCC OnLine SC 815

"16. Let us summarise the precedents on Revenue Entries and their legal effect on the question of title:

16.1 **Entries in Revenue Records or Jamabandi serve only a "fiscal purpose".** Their primary function is to enable the person whose name is mutated in the records to pay the land revenue in question. [Suraj Bhan v. Financial Commissioner, (2007) 6 SCC 186; Jitendra Singh v. State of MP, 2021 SCC OnLine SC 802; Bhimabai Mahadeo Kambekar v. Arthur Import & Export Co., (2019) 3 SCC 191; Sawarni v. Inder Kaur, (1996) 6 SCC 223].

16.2 **A Revenue Record is not a document of title and does not confer any ownership or title upon the person whose name appears in it** [Suraj Bhan. (*supra*); Gurunath Manohar Pavaskar v. Nagesh Siddappa Navalgund, (2007) 13 SCC 565; State of A.P. v. Star Bone Mill & Fertiliser Co., (2013) 9 SCC 319; Jitendra Singh (*supra*).] **Further, mutation does not create or extinguish title and has absolutely no presumptive value regarding title** [Balwant Singh v. Daulat Singh (D) By Lrs., (1997) 7 SCC 137; Sawarni (*supra*); Bhimabai Mahadeo Kambekar. (*supra*)].

16.3 The mere acceptance of municipal or agricultural taxes, or the granting of a bank loan based on these records, does not stop the State from challenging the ownership of the land [**Star Bone Mill & Fertiliser Co**. (*supra*)].

16.4 While they do not prove title, Revenue Records can raise a presumption regarding possession [Gurunath Manohar Pavaskar (*supra*); Star Bone Mill & Fertiliser Co. (*supra*)]. Maintenance and custody of Revenue Records is the exclusive domain of the Patwari, and it is not uncommon that Revenue Records are often tinkered with by him to suit the exigencies. [Guru Amarjit Singh v. Rattan Chand, (1993) 4 SCC 349].

16.5 Stray or solitary entries recorded for a single year do not raise a presumption of rights and cannot be relied upon against a long, consistent course of revenue entries in favour of another party [Bhimeshwara Swami Varu Temple v. Pedapudi Krishna Murthi, (1973) 2 SCC 261; Salem Municipality. (*supra*)].

16.6 The creation of fabricated records in collusion acts as a camouflage to defeat the legal rights of the actual tiller, and the Government is not bound by them. [Baleshwar Tewari v. Sheo Jatan Tiwary, (1997) 5 SCC 112; State of Punjab v. Sadhu Ram, (1997) 9 SCC 544].

11. The Hon'ble Apex Court in **Sawarni v. Inder Kaur**[2], articulated the principle, observing at Paragraph 7:

"...Mutation of a property in the revenue record does not create or extinguish title nor has it any presumptive value on title. It only enables the person in whose favour mutation is ordered to pay the land revenue in question. The learned Additional District Judge was wholly in error in coming to a conclusion that mutation in favour of Inder Kaur conveys title in her favour. This erroneous conclusion has vitiated the entire judgment."

12. Further, the Apex Court reaffirmed this strict jurisdictional boundary in **Jitendra Singh Vs. State of Madhya Pradesh**[3], observing at Paragraph 6:

"6. ...as per the settled proposition of law, mutation entry does not confer any right, title or interest in favour of the person and the mutation entry in the revenue record is only for the fiscal purpose. As per the settled proposition of law, if there is any dispute with respect to the title and more particularly when the mutation entry is sought to be made on the basis of the will, the party who is claiming title/right on the basis of the will has to approach the appropriate civil court/court and get his rights crystalised and

[2] (1996) 6 SCC 223
[3] 2021 SCC OnLine SC 802

only thereafter on the basis of the decision before the civil court necessary mutation entry can be made."

13. Again, the Hon'ble Apex Court in **P.Kishore Kumar Vs. Vittal K.Patkar**[4], reiterated the above principle referring to the previous judgments and observed as under:

> "22. It is trite law that revenue records are not documents of title.
>
> 23. This Court in Sawarni v. Inder Kaur [Sawarni v. Inder Kaur, (1996) 6 SCC 223] held that mutation in revenue records neither creates nor extinguishes title, nor does it have any presumptive value on title. All it does is entitle the person in whose favour mutation is done to pay the land revenue in question.
>
> 24. This was further affirmed in Balwant Singh v. Daulat Singh [Balwant Singh v. Daulat Singh, (1997) 7 SCC 137] wherein this Court held that mere mutation of records would not divest the owners of a land of their right, title and interest in the land.
>
> 25. In Jitendra Singh v. State of M.P. [Jitendra Singh v. State of M.P., 2021 SCC OnLine SC 802] , this Court after considering a catena of judgments, reiterated the principle of law as follows: (SCC OnLine SC para 6)
>
> > "6. … mutation entry does not confer any right, title or interest in favour of the person and the mutation entry in the revenue record is only for the fiscal purpose."

Thus, a conspectus of the authorities referred to *supra*, mutation of entries in revenue records neither creates nor extinguishes the title of a person. Such entries are only for fiscal purposes.

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[4] (2024) 13 SCC 553

II. WHETHER THE REVENUE AUTHORITIES, WHILE EXERCISING THE JURISDICTION *vis-à-vis* MUTATION, CAN BE EQUATED TO CIVIL COURTS:

14. In **Mahila Bajrangi Vs. Badribai**[5], the Hon'ble Apex Court held that Authorities exercising mutation powers are not civil courts, and their orders cannot find a plea of *res judicata* in a suit on title. The relevant paragraph 6 is reproduced as under:

> "6. … Consequently, it could not legitimately be claimed that the Tahsildar or authorities exercising powers of mutation (original, appellate or revisional) have been accorded the status of civil courts or courts of exclusive jurisdiction and for that matter, to use such orders as a basis or source for asserting a claim of res judicata before a competent civil court in a subsequent suit involving adjudication of title to the immovable property. **That mutation proceedings before the Revenue Authorities are not judicial proceedings in any court of law and does not decide questions of title to immovable property is a trite position and principle of law** vide Thakur Nirman Singh v. Thakur Lal Rudra Partab Narain Singh [AIR 1926 PC 100 : 53 IA 220] . The decision reported in Raj Lakshmi Dasi v. Banamali Sen [(1952) 2 SCC 219 : AIR 1953 SC 33 : 1953 SCR 154] rendered in the context of dealing with the efficacy of a decision relating to apportionment of compensation under the Land Acquisition Act among claimants can be of no assistance to the case on hand, viewed in the light of the very observations contained in the said decision of this Court itself, that the claim to compensation made by the respective parties was founded on the assertion of their respective titles and that the Land Acquisition Court had thus jurisdiction to decide the question of title of the parties in the property acquired and that title could not be decided except by deciding the controversy between the parties about the ownership. Per contra, the Revenue Authority ordering mutation of revenue records cannot be pro tanto held to be a civil court of

[5] (2003) 2 SCC 464

concurrent and competent jurisdiction to adjudicate questions of title to immovable property."

15. Similarly, a Division Bench in **K.A. Swamy Vs. The State of Andhra Pradesh**[6], has also held that revenue authorities are not substitutes for civil courts and that their summary enquiry cannot decide complicated questions of title comprehensively. It is apt to refer to paragraphs 23 & 24 which are as under:

> "23. **It is apt to state that the revenue authorities are not substitutes for the Courts of competent civil jurisdiction and it is for the party concerned to invoke such jurisdiction so as to bar the summary enquiry by the revenue authorities into issues of highly disputed questions. Needless to state that revenue authorities in such a "summary enquiry" would not be capable of deciding the complicated questions in comprehensive manner.**
>
> 24. According to us, when the pattadar passbooks and title deeds have been issued, the same cannot be cancelled automatically, more so, when the case involves serious question relating to the ownership, declaratory rights of the parties., unless civil Court find that there is no justification for issuance of the same. The presumption of correctness in issuance of pattadar pass books in favour of the persons is in the "Act 26 of 1971" and action of Government. But said recording in revenue records is not conclusive as it can be corrected and rectified by the civil Court. Unless a competent civil Court decides the actual title of the property in favour of any person, consequential measure for issuance or cancellation of pattadar pass books does not arise."

III. OBJECT OF THE ANDHRA PRADESH RIGHTS IN LAND AND PATTADAR PASS BOOKS ACT, 1971:

[6] **W.A.No.456 of 2016 dated 22.04.2024**, [arising out of K.A. Swamy v. State of A.P., (2015 (4) ALT 60 (SB)].

16. The crux of the present writ petition rests upon a jurisdictional question regarding the powers of the revenue authorities under the A.P. Rights in Land and Pattadar Pass Books Act, 1971 and the Rules made thereunder. To appreciate the jurisdictional limits of the Respondents, it is apposite to examine the scope, objective, and statutory scheme of the Act. The Act was enacted to consolidate and amend the law relating to the Record of Rights (RoR) in land, primarily to facilitate the issuance of Pattadar Pass Books to enable landholders to secure agricultural credit.

17. This Court, in the case at hand, is confined to the updation of the Record of Rights and the enquiry at that stage when a person acquired the right or title.

18. **Section 4** imposes a statutory obligation on any person acquiring any right in land to intimate such acquisition to the Tahsildar. In the present case, the jurisdiction of the Tahsildar was invoked because both the Petitioner and Respondent No.6 sought mutation based on their respective acquisitions: Respondent No.6 relying on a Registered Sale Deed dated 27.06.2012, and the Petitioner relying on a Registered Hakku Vidudala Dasthaveju (Relinquishment Deed) dated 09.08.2024, both purportedly executed by the same vendor, Smt. B. Aswarthamma.

19. The procedure for dealing with such intimations is delineated under Section 5 of the Act and in the A.P. Rights in Land and Pattadar Pass Books Rules, 1989. **Rules 18 to 20** of the Rules envisaged the procedure regarding the intimation, notice and enquiry. Rule 20(2) prescribes that the authority shall be guided by the procedure in Rule 9. Rule 9(1)(c)(ii) contemplates a “summary enquiry” as to who has the right to succeed to the property of the deceased registered holder, according to the principles of the Law of Succession; and the issuance of notices to all interested parties, calling for objections. The said rule further postulates that a declaration to be filed within three months from the notice by the person objecting to the registry about

institution of the suit in a Civil Court to establish a superior title, along with the copy of the plaint. If no declaration is filed within the time stipulated, the authority will update the Record of Rights (registry), and if a declaration is filed, the result of the suit should be awaited before taking further action.

20. The procedural strictness and the mandatory nature of natural justice required during this process under the Act were conclusively laid down by the Full Bench of this Court in **Chinnam Pandurangam Vs. Mandal Revenue Officer**[7]**,** while analysing Section 5(3) of the Act, the Full Bench held at Paragraphs 7 and 10 thus:

> "7. The above analysis of the relevant statutory provisions shows that proviso to Section 5(1) and Section 5(3) represent statutory embodiment of the most important facet of the rules of natural justice i.e. audi alteram partem. These provisions contemplate issue of notice to the persons likely to be affected by the action/decision of the Mandal Revenue Officer to carry out or not to carry out amendment in the Record of Rights...
>
> 10. ... An order passed against a person whose name already exist in the Record of Rights without giving him notice of the proposed amendment and effective opportunity of hearing is liable to be declared nullity on the ground of violation of the rule of *audi alteram partem*... It needs no emphasis that the rules of natural justice are applicable in all judicial and quasi-judicial proceedings."

21. The proviso to Section 5(1) and Section 5(3) of the Act are the statutory embodiment of *audi alteram partem*. The Full Bench of this Court in **Chinnam Pandurangam's** case held that the recording authority must give written notice to the persons whose names are in the record of rights and who are interested in or affected by the proposed amendment. An authority exercising quasi-judicial power must also give reasons, which are the link between the material and the conclusion and the safeguard against arbitrariness.

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[7] 2007 (6) ALD 348

"10. The issue deserves to be considered from another angle. If an application is made for amendment of the existing entries in the Record of Rights, the person whose name already exists in such record is entitled to contest the proposed amendment. He can do so only if a notice regarding the proposed amendment is given to him by the recording authority. An order passed against a person whose name already exist in the Record of Rights without giving him notice of the proposed amendment and effective opportunity of hearing is liable to be declared nullity on the ground of violation of the rule of audi alteram partem, which, as mentioned above, represent the most important facet of the rules of natural justice. It needs no emphasis that the rules of natural justice are applicable in all judicial and quasi-judicial proceedings. The rule of hearing is also applicable in purely administrative proceedings and actions where any public authority passes an order affecting the rights of any individual. The applicability of the rules of natural justice to purely administrative actions has been recognized by the Supreme Court in State of Orissa v. Dr. (Miss) Binapani Dei, AIR 1967 SC 1269 and has been reiterated in various judgments including those of A.K. Kraipak v. Union of India, AIR 1970 SC 150, Maneka Gandhi v. Union of India, AIR 1978 SC 597, S.L. Kapoor v. Jagmohan, AIR 1981 SC 136, Swadeshi Cotton Mills v. Union of India, AIR 1981 SC 818 and Olga Tellis v. Bombay Municipal Corporation, AIR 1986 SC 180.

11. From the above discussion, it is clear that the requirement of issuing notice in writing to all persons whose names are entered in the Record of Rights and who are interested in or affected by the amendment is independent of the requirement of publication of notice in accordance with the second part of Section 5(3) read with Rules 19 and 5(2) of the Rules. The language of Form-VIII in which the notice is required to be published cannot control the interpretation of the substantive provision contained in Section 5(3), which, as mentioned above, casts a duty on the recording authority to issue notice in writing to all persons whose names are entered in the Record of Rights and who are interested in or affected by the proposed amendment."

IV. SCOPE OF "SUMMARY ENQUIRY" UNDER THE ACT, 1971 AND THE RULES, 1989:

22. Beyond a procedural compliance, it is at this juncture that the substantive limits of the Tahsildar's jurisdiction must be defined. This Court has categorically held that the Tahsildar, while exercising powers under the Act, 1971, functions strictly as a revenue officer and not as a Civil Court. The scope of a "summary enquiry" is limited to ascertaining a ***prima facie*** right based on undisputed documents or established succession. Complicated questions *vis-à-vis* the title are beyond the jurisdiction of the authority.

23. Where a claim for mutation is severely contested, or where the validity of documents is questioned, the Tahsildar has no jurisdiction to decide such disputed questions of title. Elaborating on this precise limitation, a single Judge of the composite High Court of Andhra Pradesh, in **V.Goutham Rao Vs. The R.D.O., Jagtial**[8], at Paragraph 11&12, categorically held:

> "11. …It is also well settled that such entries in the record of rights would not create any rights where none existed nor divest the rights where they existed. Therefore, it follows that mere entries in the record of rights would not confer any title but they only show *prima facie* evidence.
>
> 12. …**In the circumstances, wherever there is a serious dispute of title or claims of any rival title, it would not only be proper for the authorities to refrain from proceeding with the enquiries as such under the provisions of the Act but also pragmatic for the parties to approach the civil court for establishing their right, title and interest of whatsoever nature.** Though the proceedings now are at the threshold i.e., at the stage of issuance of a show cause notice, but one cannot lose sight of the fact that ultimately the authorities would have to fall back on the finding of the civil court. In view of the same, the entire exercise by the authorities under the Act would be a mere farce and nugatory."

[8] 2003 (1) A.P.L.J. 301 (HC)

V. APPLICATION OF PRINCIPLES TO THE PRESENT FACTS:

24. In the present case at hand, as narrated *supra*, the petitioner as well as the 6th respondent approached the authority concerned, and sought mutation based on a competing registered acquisition: the 6th Respondent relying on a Registered Sale Deed dated 27.06.2012, and the Petitioner relying on a Registered Hakku Vidudala Dasthaveju (Release Deed) dated 09.08.2024. Crucially, both documents were purportedly executed by the same vendor, Smt. B. Aswarthamma.

25. The Petitioner contends that under the Preliminary Decree in O.S.No.9 of 1980 (which attained finality up to the Supreme Court), Smt. Aswarthamma was granted an undivided half-share. Because no Final Decree was ever passed, the properties were never partitioned by metes and bounds. Applying the foundational legal maxim ***nemo dat quod non habet*** (no one can give what they do not have), when Smt. Aswarthamma divested herself of her undivided interest in 2012, she could not again divest a right she had already parted with a decade earlier, i.e., her execution of the 2024 Release Deed in favour of the Petitioner. Of course, this Court is not recording any finding at this juncture.

26. The Tahsildar, as seen from the proceedings dated 07.02.2025, ignored the 2012 registered Sale Deed and ordered mutation in favour of the Petitioner based on the 2024 Release Deed. By doing so, the Tahsildar effectively declared a prior registered Sale Deed invalid and adjudicated upon allegations of fraud. This was a gross overreach of the "summary enquiry" jurisdiction and amounted to usurping the powers of a competent Civil Court.

27. When this order was challenged, the 4th Respondent (RDO), by the impugned order dated 25.05.2026, intervened. The RDO did not venture into deciding the ultimate title. Instead, the appellate authority, the 4th respondent, acknowledged that the Tahsildar failed to consider a prior registered document. The RDO observed that, *prima facie*, there was a serious question

as to whether Smt. Aswarthamma had any title left to pass on to the Petitioner in 2024, given the pre-existing 2012 deed. Therefore, the 4th respondent was justified in setting aside the Tahsildar's order, as it suffered from the vice of non-application of mind and jurisdictional excess. While remitting the matter, the 4th respondent observed that the 5th respondent shall consider all the documents and mentioned those documents. It is up to the authority to choose an appropriate decision within the bounds of the Act and the Rules made thereunder.

28. The scope of a "summary enquiry", to the understanding of this Court, is limited to ascertaining *prima facie* title and rights based on undisputed documents or established succession. The recording authority looks only for a "semblance of title." To illustrate: if 'A' seeks mutation relying on a registered sale deed executed by 'B', but 'B' is a total stranger to the property with absolutely no historical link to the revenue records or prior title deeds, 'A' lacks even a semblance of title; in such a scenario, the Tahsildar can summarily reject the application.

29. In a converse case, where a person applies, demonstrated the title to the property and ancillary, the authority shall consider updation of Record of Rights. The authority shall adhere to the procedure under Rule 9 of the Rules indicated *supra*. However, where a claim is extremely contested, or where the validity of competing registered documents is questioned, the Tahsildar lacks jurisdiction to decide such disputed questions.

30. A perusal of the order of the appellate authority, RDO also shows that it was just an order of remand and to consider the case afresh by looking into all the documents submitted by the petitioner. The order of the RDO reads as under:

> “1. The proceedings of the Tahsildar, Hindupur in Spl.Reg.No.59/2025 dated 07.02,2025 are hereby set aside.

2. The matter Is remanded to the Tahsildar, Hindupur Mandal for fresh disposal after conducting a Comprehensive enquiry in accordance with the provisions of the A.P. Rights In Land and Pattadar Pass Books Act, 1971 and the Rules made thereunder.

3. The Tahsildar shall issue notices to all interested and affected parties; Afford reasonable opportunity of personal hearing; Consider the registered Sale Deed bearing Document No.7107/2012 dated 21.05.2015 relied upon by Respondent No.2; Examine the judgments and decrees in O.S.No.9/1980, A.S.No.17/1985, S.A.No.181/2000 and SLP (C) No.31057/2018; Examine all objections, explanations and documentary evidence submitted by the parties; and Pass a detailed and reasoned speaking order strictly in accordance with law.

4. It is clarified that the observations made in this order are only for the purpose of deciding the present appeal and shall not be adjudication of title or ownership over the subject property.

5. The Tahsildar shall complete the above exercise and pass appropriate orders preferably within eight (08) weeks from the date of receipt of this order."

31. Given the discussion *supra*, this Court concludes that,

1) On Point No.1, this Court observed that the observations made by the 4th respondent do not vitiate the proceedings. The observations were *prima facie* in nature, only to highlight that the Tahsildar had previously ignored a prior registered document.

2) On Point No.2, the observations of the 4th respondent do not bind the 5th respondent regarding the determination of rights. The 5th respondent is only bound by the directive to conduct a fresh enquiry and to examine all competing documents.

3) On Point No.3, the scope of enquiry under Section 5 and the relevant Rules is strictly confined to a "summary enquiry" for fiscal purposes, limited to ascertaining a *prima facie* right or a mere "semblance of title" based on undisputed documents. Revenue authorities are not Civil Courts; therefore, they are completely devoid of jurisdiction to adjudicate upon title disputes or decide the legal validity of competing registered instruments.

32. It is settled in law that the scope of judicial review under Articles 226 of the Constitution of India is confined to examining the decision-making process and not the decision itself. Courts exercising writ jurisdiction do not sit as appellate authorities over departmental enquiries and cannot re-appreciate evidence or substitute their own conclusions for those of the disciplinary authority. Reference can be made to the landmark judgment is **Union of India Vs. P. Gunasekaran**[9], wherein the Hon'ble Apex Court observed as follows:

> "13. Under Articles 226/227 of the Constitution of India, the High Court shall not:
>
> (i) reappreciate the evidence;
>
> (ii) interfere with the conclusions in the enquiry, in case the same has been conducted in accordance with law;
>
> (iii) go into the adequacy of the evidence;
>
> (iv) go into the reliability of the evidence;
>
> (v) interfere, if there be some legal evidence on which findings can be based.
>
> (vi) correct the error of fact however grave it may appear to be;
>
> (vii) go into the proportionality of punishment unless it shocks its conscience."

33. Hence, this Court does not find any violation of principles of natural justice or procedural infractions in the order impugned. The 5th respondent

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shall proceed with the enquiry and pass appropriate orders by adhering to the procedure envisaged under the Act and Rules made thereunder. It is reiterated that the scope of the proceedings before the 5th respondent is strictly confined to a "summary enquiry" for the fiscal purpose of updating the Record of Rights. The revenue authorities are not substitutes for a competent Civil Court and are devoid of jurisdiction to adjudicate upon disputed questions of title.

34. With the above directions, the Writ Petition is disposed of. No costs.

As a sequel, all the pending miscellaneous applications shall stand closed.

JUSTICE SUBBA REDDY SATTI

PVD