APHC010617222023

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3332]**
(Special Original Jurisdiction)

TUESDAY, THE 3rd DAY OF NOVEMBER 2026

PRESENT:THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 32102/2023

Between:

1. PEYYALA RANGANAYAKULU,, S/O PULLAIAH, HINDU, AGED ABOUT 48 YEARS, R/O.D.NO.5-7-193, K. VELAMAVARIPAUE, PULIVENDULA, Y.S.R. DISTRICT

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, REVENUE DEPARTMENT, SECRETARIAT BUILDING, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT.
2. THE DISTRICT COLLECTOR, Y.S.R. DISTRICT, KADAPA.
3. THE REVENUE DIVISIONAL OFFICER, JAMMALAMADUGU REVENUE DIVISION, Y.S.R. DISTRICT.
4. THE TAHSILDAR, MUDDANURU MANDAL, Y.S.R. DISTRICT.
5. UMMANABOYINA THULASAMMA, W/O NAGAIAH, HINDU, MAJOR, R/O KORRIPADU VILLAGE, MUDDANURU MANDAL Y.S.R. DISTRICT.
6. UMMANABOYINA YELLAIAH, S/O PEDDA YELLAIAH, HINDU, MAJOR, R/O KORRIPADU VILLAGE, MUDDANURU MANDAL Y.S.R. DISTRICT.
7. UMINANABOYINA CHINNA YELLAIAH, S/O PEDDA MALLAIAH, HINDU, MAJOR, R/O KORRIPADU VILLAGE, MUDDANURU MANDAL Y.S.R. DISTRICT.

8. UMMANABOYINA SHEKAR, S/O PEDDA YELLAIAH, HINDU, MAJOR, R/O KORRIPADU VILLAGE, MUDDANURU MANDAL Y.S.R. DISTRICT.

9. SETTIPALLI RAJESWARI, W/O SIVA SANKAR REDDY, HINDU, MAJOR, R/O KORRIPADU VILLAGE, MUDDANURU MANDAL Y.S.R. DISTRICT.

10. VALLEPU GANGA RAJU, S/0 PEDDA PULLANNA, HINDU, MAJOR, R/O KORRIPADU VILLAGE, MUDDANURU MANDAL Y.S.R. DISTRICT.

11. VALLEPU SIVAMMA, W/O SUBBARAYUDU, HINDU, MAJOR, R/O KORRIPADU VILLAGE, MUDDANURU MANDAL Y.S.R. DISTRICT.

12. VALLEPU SUBBARAYUDU, S/O SOMANNA, HINDU, MAJOR, R/O KORRIPADU VILLAGE, MUDDANURU MANDAL Y.S.R. DISTRICT.

...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 to issue a Writ Order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the 4th Respondent in mutation of names of the Respondents 5 to 12 in respect of the Petitioners absolute property for an extent of Ac.21-13 cents, out of which, Ac.8-47 cents is situated in Survey No. 163, Ac.6-86 cents is situated in Survey No. 165, Ac.4-32 cents is situated in Survey No. 169, Ac.0-42 cents is situated in Survey No.862 and Ac. 1-06 cents is situated in Survey No.863 of Korripadu Village, Muddanuru Mandal, Y.S.R. District, is illegal, arbitrary, unjust, irregular as it is without issuing notice, following the law contemplated under Section 5 (3) r/w Rules 5 and 9 of A.P. Rights in land and Pattadhar Pass Book, 1971 rules made there under, violation of principles of natural justice, fundamental rights guaranteed under Article 19, 20, 21 and property right guaranteed under Article 300-A of Constitution of India and consequently set aside the Order of the 4th Respondent for mutation of names of the Respondents 5 to 12 in respect of the Petitioners property for an extent of Ac.21-13 cents, out of which, Ac.8-47 cents is situated in Survey No. 163, Ac.6-86 cents is situated in Survey No. 165, Ac.4-32 cents is situated in Survey No. 169, Ac.0-42 cents is situated in Survey No.862 and Ac. 1-06

cents is situated in Survey No.863 of Korripadu Village, Muddanuru Mandal, Y.S.R. District by restoring my name in respect of the above said property and pass

IA NO: 1 OF 2023

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 to direct the Respondents not to interfere with Petitioner's peaceful possession and enjoyment of his property for an extent of Ac.21-13 cents, out of which, Ac.8-47 cents is situated in Survey No. 163, Ac.6-86 cents is situated in Survey No. 165, Ac.4-32 cents is situated in Survey No. 169, Ac.0-42 cents is situated in Survey No.862 and Ac. 1-06 cents is situated in Survey No.863 of Korripadu Village, Muddanuru Mandal, Y.S.R. District without following due proces of law till disposal of the main writ petition and pass

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 to vacate the Interim order dated 14.12.2023 in W.P.No. 32102 of 2023 and dismiss the Writ Petition and pass

Counsel for the Petitioner:

1. AVANIJA INUGANTI

Counsel for the Respondent(S):

1. GP FOR REVENUE
2. D KODANDARAMI REDDY

The Court made the following:

ORDER

This Writ Petition is filed questioning the action of respondent no.4 in mutating the names of respondent nos. 5 to 12 in respect of the petitioner's subject property.

2.Heard Sri Akula Sai Bhargav, learned counsel, representing Ms.Avanija Inuganti, learned counsel for petitioner, Sri Venkata Satyanarayana, learned Assistant Government Pleader for Revenue and Sri Guttapalem VijayKumar, representing Sri D.Kodandarami Reddy, learned counsel for respondent nos.5 to 12.

3. Sri Akula Sai Bhargav, learned counsel, while reiterating the contents of the writ affidavit would contend that the petitioner's grandfather was the absolute owner of the subject property and he had been in possession and enjoyment of the same and in recognition thereof his name was mutated in revenue records. He would further contend that after his demise, father of the petitioner, being the only son succeeded the property and his name was mutated in register of holdings and while the things stood thus, the respondent no.4-the Tahsildar in collusion with respondent nos. 5 to 12, without following the due process of law and without issuing any prior notice and moreover in violation of the mandatory provisions of A.P.Rights in Land and Pattadar Passbooks Act, 1971 (for short, 'the Act'), mutated the names of respondent nos. 5 to 12 in respect

of the subject property. The learned counsel while placing reliance on the decision in ***Chinnam Pandurangam vs. Mandal Revenue Officer, Serulingampalli***[1] and ***Kallam Penta Reddy vs. Mandal Revenue Officer, Saroor Nagar***[2] would further contend that the respondent no.4 is bound to issue prior notice and any mutation without issuing any notice is illegal and the same has to be set aside.

4. On the other hand, Sri Venkata Satyanarayana, learned Assistant Government Pleader for Revenue, on counter, justified the action of the respondent authorities in mutating the names of respondent nos.5 to 12 contending that notices dated 10.06.2023, 25.08.2023, 12.10.2023 and 15.11.2023 were issued to the petitioner and respondents to attend for enquiry before them along with the documentary evidence possessed by them in support of their right over the subject land and in response the respondent nos. 5 to 12 appeared and had given their statements. He would further contend that the petitioner had either to prefer appeal under section 5(5) of the Act or file Civil Suit under section 8(2) of the Act,1971 and that there are no merits in the writ petition and the same deserves dismissal.

5. Whereas, Sri Guttapalem Vijay Kumar, learned counsel for respondent nos.5 to 12, while reiterating the contents of the counter

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[1]. AIR 2008 AP 15
[2]. 2013 (5) ALD 471

affidavit would contend that the respondent nos. 5 to 12 are absolute owners of the subject properties, which are their ancestral properties, and accordingly their names were mutated in revenue records and pattadar and title deed passbooks were issued in their favour. He would further contend that the petitioner's family is not residing in the village since more than 40 years and they have no right and title over the property and hence he cannot question the action of the revenue authorities in mutating the names of the respondents. He would further contend that if at all the petitioner has any grievance, he has to prefer an appeal before the Revenue Divisional Officer, and cannot straight away file the writ petition and therefore, the writ petition is not maintainable and the same deserves dismissal. Accordingly, prayed to dismiss the writ petition.

6. Perused the record and considered the submissions of both the learned counsel.

7.The prime grievance of the petitioner is that, without issuing any notice as per Act, 1971 and Rules, 1989, the respondent authorities have mutated the names of respondent nos.5 to 12 in revenue records by substituting the name of petitioner's father.

8. In view of the specific contention of respondent nos.5 to 12 regarding maintainability, it is appropriate to deal with the same before entering into other aspects of the matter.

9. The rule of exhaustion of alternative remedies requires a party to use all available statutory appeal mechanisms before approaching a higher court (like filing a writ petition), but it is a rule of policy and convenience rather than an absolute bar on jurisdiction. Courts will readily bypass this rule and entertain a petition directly under several well-established exceptions: when there is a manifest violation of the principles of natural justice (such as deciding a case without giving the party a fair hearing or a proper notice); when the challenged order or proceedings are completely without jurisdiction or lack legal authority; when the constitutionality of a statute or legal provision is under direct challenge; when the fundamental rights of a citizen have been breached; or when the alternative remedy provided by the statute is ineffective and onerous.

10. No doubt, the Act, 1971 provides for an appeal against the orders passed by the primary authority refusing to make or making mutation of entries in revenue records and a revision to the revisional authority-Joint Collector against issuance of pattadar passbooks. Therefore, the Act provides statutory appeal mechanisms.

11. A perusal of the material available on record would disclose that name of one Peyyala Obanna is recorded as Title holder o the subject land. According to the petitioner, the said Peyyala Obanna is his grandfather. The counter affidavit of respondent no.4 states that the petitioner did not produce

even a single recorded evidence to prove that the said Peyyala Obanna @ Obugadu is related to the petitioner. As per the counter affidavit since neither the petitioner nor his relatives is found in possession of even single cent of land and as the respondent nos.5 to 12 are found in possession and hence even though they did not produce any reliable documents in support of their over the subject property, their names were mutated in the revenue records and granted e-passbooks.

12. It is also relevant here to note that the revenue authorities contend that the petitioner failed to produce any document to show his relationship with the Peyyala Obugadu, but it is not stated in the counter that as to how the respondent nos. 5 to 12 are related to the said Peyyala Obugadu and what documents they produced to show their relationship.

13. Though the counter affidavit states that notices were issued to the petitioner as well as respondent nos.5 to 15 on four (04) occasions, not even a single scrap of paper was filed to substantiate either issuance or their service on the petitioner. The absence of any document in light of the specific contention of the petitioner that he was not put on notice before effecting the changes to the revenue records, it can be safely presumed that no notice was served on the petitioner before effecting changes in revenue records.

14.Rule-9(1)(c)(ii) of the Rules, 1989 is germane and is extracted here under:

> *"In respect of cases falling under Rule 9(1)(a)(i), the Mandal Revenue Officer shall hold 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 which govern the case and give notice to all persons known or believed to be interested to the effect that the registry will be made in the name of the person found to be entitled, unless a declaration if filed, within three months from the date of the notice, by any person objecting to the registry, stating that he has instituted a suit in a Civil Court to establish his superior title and an authenticated copy of the plaint in the suit is produced. If no declaration is filed, the registry should be made as stated in the notice, at the expiration of three months. If a declaration is filed, the result of the suit should be awaited before taking further action."*

15. Section 5(3) of the Andhra Pradesh Rights in Land and pattadar passbooks Act, 1971 (for short, 'the Act') reads thus:

> "The Mandal Revenue Officer shall, before carrying out any amendment in the record of rights under sub-section (1) or sub-section (2) issue a 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 and to any other persons whom he has reason to believe to be interested therein or affected thereby to show cause within the period specified therein as to why the amendment should not be carried out. A copy of the amendment and the notice aforesaid shall also be published in such manner as may be prescribed. The [Mandal Revenue Officer] shall consider every objection made in that behalf and after making such enquiry as may be prescribed pass such order in relation thereto as he deems fit."

16. The said provision and Rule clearly states that a notice has to be served in writing to all the persons whose names are entered in the record of

rights and who are interested therein or affected by the amendment to show cause within a period specified therein and the copy of amendment and notices has to be published in such a manner as prescribed and the Tahasildar should consider every objection made in that behalf and after making such enquiry an order has to be passed in relation thereto as it deems fit and shall communicate the same to the persons concerned.

17. In ***Chinnam pandurangam vs. Mandal Revenue Officer, Serulingampalli*** (supra 1), a Division Bench of this Court held thus:

> "**5.** We have heard learned counsel for the parties. Sections 4, 5(1) to (4) of the Act, Rules 5 and 19 of the Rules and Form-VIII read as under:—
>
> Andhra Pradesh Rights in Land and Pattadar Passbooks Act, 1971
>
> 4. Acquisition of rights to be intimated
>
> (1) Any person acquiring by succession, survivorship, inheritance, partition, Government patta, decree of a Court or otherwise any right as owner, pattadar, mortgagee, occupant or tenant of a land and any person acquiring any right as occupant of a land by any other method shall intimate in writing his acquisition of such right, to the Mandal Revenue Officer within ninety days from the date of such acquisition, and the said Mandal Revenue Officer shall give or send a written acknowledgment of the receipt of such intimation to the person making it:
>
> Provided that where the person acquiring the right is a minor or otherwise disqualified, his guardian or other persons having charge of his property shall intimate the fact of such acquisition to the Mandal Revenue Officer.
>
> (2) Notwithstanding anything contained in the Registration Act, 1908 (Central Act 16 of 1908) every registering officer appointed under the Act and registering a document relating to a transaction in land, such as sale, mortgage, gift, lease or otherwise shall intimate the Mandal

Revenue Officer of the Mandal in which the property is situate of such transaction."

5. Amendment and updating of Record of Rights

(1) On receipt of intimation of the fact of acquisition of any right referred to in Section 4, the (Mandal Revenue Officer) shall determine as to whether, and if so in what manner, the record of rights may be amended in consequence therefor and shall carry out the amendment in the record of rights in accordance with such determination:—

Provided that no order refusing to make an amendment in accordance with the intimation shall be passed unless the person making such intimation has been given an opportunity of making his representation in that behalf.

(2) Where the (Mandal Revenue Officer) has reason to believe that an acquisition of any right of a description to which Section 4 applies has taken place and of which an intimation has not been made to him under that Section and where he considers that an amendment has to be effected in the record of rights, the recording authority shall carry out the said amendment in the record of rights.

(3) The (Mandal Revenue Officer) shall, before carrying out any amendment in the record of rights under sub-section (1) or sub-section (2) issue a 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 and to any other persons whom he has reason to believe to be interested therein or affected thereby to show cause within the period specified therein as to why the amendment should not be carried out. A copy of the amendment and the notice aforesaid shall also be published in such manner as may be prescribed. The recording authority shall consider every objection made in that behalf and after making such enquiry as may be prescribed pass such order in relation thereto as he deems fit.

(4) Every order passed under this section shall be communicated to the person concerned.

Andhra Pradesh Rights in Land and Pattadar Passbooks Rules, 1989

"5. (1) The Recording Authority shall as soon as may be after the commencement of the Act for the first time and whenever a notification has been issued by the Commissioner to make the Record of Rights up to date in

the area in which a village is situate cause to be published separate notices—

(a)(i) declaring his intention of preparing a record of rights in lands in the village for the first time, or declaring the intention consequent on the issue of a notification by the Commissioner to make the record of rights up-to-date in the village by updating the registry of holdings and by splitting up of joint pattas.

(ii) declaring his intention consequent on the issue of a notification by the Commissioner to make the record of rights up to date in the village.

(a) by updating the registry of holding by splitting up of joint pattas etc.

(b) calling upon all persons claiming any interest in any land in the village to furnish either through the village assistant concerned or directly:—

(i) a statement in writing in duplicate in Form-1A. Showing the particulars of the lands in which an interest is claimed; and

(ii) the nature of such interest on or before a specified date to be indicated in the notice not being earlier than fifteen days from the date of publication thereof; and

(iii) if a person has interest in lands in more than one village in a Mandal or in more than one Mandal in a District, he shall file his claim in Form 1(A) in triplicate giving the particulars of all the lands in which an interest is claimed Mandal-wise and village-wise and where person has interest in lands in only one village, he shall append a certificate to the claim in Form 1(A) that does not have interest in lands in any other village in the District.

(c) declaring also his intention to hold an enquiry in respect of the above matter in the village on a date to be specified in the notice in this behalf not being earlier than twenty two days from the date of publication of the notice and calling upon all persons interested to appear before him at the said enquiry on the date so specified.

(2) The notice referred to sub-rule (1) shall be in Form-II and shall be published in the District Gazette of the District in which the village is situate and also in the following manner namely:—

(a) by affixture in the chavidi or if there is no chavidi, in any other conspicuous place of the village.

(b) by affixture on the notice boards of the Gram Panchayat Office Primary Co-operative Agricultural Credit Society or School, if any in the village.

(c) by beat of torn torn in the village;

(d) by affixture on the notice board of the office of the Mandal Revenue Officer having jurisdiction over the village; and

(e) by affixture on the notice board of the office of the Mandal Praja Parishad in which the village is situated.

19. (1) The notice referred to in sub-section (3) of Section 5 of the Act shall be in Form VIII. (2) Such notice together with a copy of the amendment shall also be published in the manner specified in clause (a) to (e) of sub-rule (2) of Rule 5."

Form VIII

Notice

Whereas the undersigned has received an intimation of the fact of acquisition of a right as described in the schedule hereunder and it appears that an amendment has to be made in the Record of Rights in consequence thereof……..

and/or

Whereas the Recording Authority has reason to believe that an acquisition of a right has taken place as described in the schedule hereunder and it appears that amendment has to be made in the Record of Rights in consequence thereof.

Now, therefore, under sub-sec. (3) of Section 5 of the Andhra Pradesh Record of Rights in Land and Pattadar Pass Books Act, 1971.

All persons interested or affected are hereby required to show cause on or before….. (date to be specified not being earlier than 30 days from the service/publication of the notice) as to why the amendment should not be carried out.

you ……..

All persons interested or affected are also required to appear before the undersigned on……..

(date not earlier than forty five days from the service/publication of the date of notice) at…….. (place) …….. (time) in connection with the enquiry proposed to be held in respect of the above matter.

……..

Recording Authority."

6. A reading of the plain language of Section 5(1) together with its proviso makes it clear that on receipt of intimation about acquisition of any right referred to in Section 4, the Mandal Revenue Officer is required to determine whether the Record of Rights should be amended and if so what should be the mode of carrying out the amendment. A negative decision on the issue of amendment of the Record of Rights can be made by the officer concerned only after giving an opportunity of representation to the person who gave intimation regarding acquisition of right in terms of Section 4. Sub-section (2) of Section 5 empowers the Mandal Revenue Officer to make amendment in the Record of Rights, if he has reason to believe that an acquisition of any right of a description given in Section 4 has taken place. Section 5(3) requires that before carrying out any amendment in the Record of Rights, the Mandal Revenue Officer shall issue a 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 and to any other person whom he has reason to believe to be interested therein or affected thereby to show cause against the proposed amendment. A copy of the amendment and the notice is also required to be published in the prescribed manner. The word "prescribed" has been defined in Section 2(8) to mean "prescribed by rules made under the Act". Rule 6(1) of the Rules lays down the procedure for preparation of the Record of Rights and updating the entries contained therein. Rule 5(2) lays down that notice contemplated under sub-rule (1) shall be in Form-II and shall be published in the village by various modes specified in Clauses (a) to (e). Rule 19(1) and (2) lays down that the notice referred to in Section 5(3) shall be in Form-VIII and the same shall be published in the manner specified in clause (a) to (e) of sub-rule (2) of Rule 5.

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, Proviso to Section 5(1) lays down that if the Mandal Revenue Officer decides not to make an amendment in the Record of Rights, then he shall pass appropriate order only after giving an opportunity of making representation to the person, who gives intimation regarding acquisition of any right referred to in Section 4. Section 5(3) provides for issue of written notice to all persons whose names are entered in the Record of Rights and who are interested in or affected by the amendment.

Similarly, a notice is required to be issued to any other person whom the recording authority has reason to believe to be interested in or affected by the amendment. A copy of the amendment and the notice is also required to be published in the prescribed manner. The publication of notice in the prescribed manner is in addition to the notice, which is required to be given in writing to all persons whose names are entered in the Record of Rights and who are interested in or affected by the amendment and also to any other person whom the recording authority has reason to believe to be interested in or affected by the amendment. To put it differently, the publication of a copy of the amendment and the notice is only supplemental and not the alternative mode of giving notice to the persons whose names are entered in the Record of Rights and who are interested in or affected by the amendment and to any other person to whom the recording authority has reason to believe to be interested in or affected by the amendment. If the Legislature thought that publication of a general notice in Form-VIII will be sufficient compliance of the rules of natural justice, then there was no occasion to incorporate a specific requirement of issuing written notice to the persons whose names are entered in the Record of Rights and who are interested in or affected by the amendment and also to other person whom the recording authority has reason to believe to be interested in or affected by the amendment. In our considered view, the requirement of issuing written notice to the persons whose names are entered in the Record of Rights and who are interested in or affected by the amendment and also to any other person whom the recording authority thinks to be interested in or affected by the amendment clearly negates the argument that publication of notice in Form-VIII is sufficient.

8. In *B.G. Laxman's case* (supra), the Division Bench interpreted Section 5(3) and held:

"What sub-sec. (3) mandates is undoubtedly issuance of notice to all persons who may be having right or interest in the land in question in respect of which mutation is sought. The Legislature itself has not prescribed any particular mode of service in sub-section (3) of Section 5 of the Act. No other provisions of the Act were brought to our notice by the learned counsel who argued before us which prescribe any particular mode of notice to be served under sub-section (3) of Section 5 of the Act. In the absence of such prescription by the lawmaker itself, the Government of Andhra Pradesh in exercise of the powers conferred by sub-section (1) of Section 11 of the Act has framed the Rules. Rule 19 of the Rules reads as follows:

"19(1) The notice referred to in sub-section (3) of Section 5 of the Act shall be in Form VIII (2). Such notice together with a copy of the amendment shall also be published in the manner specified in clauses (a) to (e) of sub-rule (2) of Rule 5."

The language employed in Form VIII provides a key in understanding the intendment of the rule-making authority. If it was the intendment of the rule making authority that individual notices should be served on all those persons whose names are entered in the revenue records as contended by Sri Venkataramana, the language to be employed in para (4) of the notice would have been different. The phrase "all persons interested or affected are hereby required" clearly indicates that a kind of general notice is required to be issued informing all the affected/interested persons who may be having a say in the matter if the Mandal revenue Officer were to allow the application filed under sub-section (1) of Section 5 of the Act. Therefore, we do not find any warrant or justification to read something into the provisions of sub-sec. (3) which is not there and hold that sub-sec. (3) of Section 5 contemplates not only general notice but also individual notices to all those persons whose names are entered in the revenue records."

9. While interpreting the provisions in the manner aforesaid, the Division Bench did not give due weightage to the words "issue notice in writing" and the expression "shall also be published" appearing in Section 5(3) and Rule 19(2) and this is the reason why it was held that individual notice is not required to be given to the persons whose names are entered in the revenue records or/and who are interested in or affected by the amendment. With respect, we are unable to subscribe to the view of the Division Bench, which is per se contrary to the language of Section 5(3) of the Act read with Rule 19(2) of the Rules.

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."

18.In ***S.K.Rajesh vs. State of Andhra Pradesh***[3], a coordinate bench of this Court held thus:

"The rule of principles of natural justice is imbedded in Rule 9 of the Rules. In the entire counter, respondent No.2 or respondent No.3 did not state the procedure followed by respondent No.2 before blocking the revenue account of the subject property and they are silent. During hearing, learned Assistant Government Pleader for Revenue did not bring to the notice of this Court about the compliance of the procedure for keeping the subject property in the disputed properties register and blocking revenue account pertaining to the subject land. In the absence of compliance, the action of respondent No.2 is a serious illegality, in violation of Rule 9 of the Rule, and the principles of natural justice. Blocking revenue account directly disabled him to deal with the property though no interim order was passed either in the Original Suit or in the appeal pending before the Court restraining the petitioner from dealing with the property."

19. In ***Kasu Rayappa Reddy Vs The State of A.P.,*** [4] a coordinate bench of this Court held thus:

"*A separate procedure is prescribed for deletion of the names in the revenue records, including issue of Pattadar Passbooks, change of name of the pattadar and title holder. According to Section 4(2) of*

[3] Manu/AP/1275/2021

[4] 2023 (1) ALT Online (AP)18381 (S.B.)

the Act, every registering officer appointed under the Act and registering a document relating to a transaction in land, such as sale, mortgage, gift, lease or otherwise shall intimate the Mandal Revenue Officer of the Mandal in which the property is situate of such transaction and publish notice under Section 5(3) r/w Rule 19(1) in Form VIII, which is mandatory. However, in the present case, the record does not disclose about compliance of the procedure prescribed under Section 5(1) to 5(3) and Rules 15, 16 and 19(1) of the Rules by publishing notice in Form VIII. Proviso to Section 5(1) and Section 5(3) of Act No.26 of 1971 represent statutory embodiment of the most important facet of the rules of natural justice i.e. audi alterem 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. Proviso to Section 5(1) lays down that if the Mandal Revenue Officer decides not to make an amendment in the Record of Rights, then he shall pass appropriate order only after giving an opportunity of making representation to the person, who gives intimation regarding acquisition of any right referred to in Section 4. Section 5(3) provides for issue of written notice to all persons whose names are entered in the Record of Rights and who are interested in or affected by the amendment. Similarly, a notice is required to be issued to any other person whom the recording authority has reason to believe to be interested in or affected by the amendment. A copy of the amendment and the notice is also required to be published in the prescribed manner. The publication of notice in the prescribed manner is in addition to the notice, which is required to be given in writing to all persons whose names are entered in the Record of Rights and who are interested in or affected by the amendment and also to any other person whom the recording authority has reason to believe to be interested in or affected by the amendment."

20.From the above, it is clear that a duty is cast upon 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. In the present case, evidently, the authorities have not put the

petitioner on notice before entering the unofficial respondents' name in the revenue records, which is wholly unsustainable.

21. In view of the facts and circumstances of the case, this court is inclined to dispose of the writ petition with the following directions:

"The respondent authority concerned is directed to delete the names of the unofficial respondents from the revenue records with respect to subject properties forthwith. However, the authorities are not precluded to take steps strictly in accordance with law."

22. Accordingly, the writ petition is ***disposed of***. No costs.

23. Before parting with this matter, this Court considers it necessary to express its deep concern and anguish over the persistent disregard of the well-settled principles of natural justice by the revenue authorities, particularly in matters involving alterations, amendments and modifications to revenue records. It is pertinent to observe that the decision of this Court in ***Chinnam Pandurangam***, emphatically reiterating the mandatory requirement of issuance of prior notice to the affected parties before effecting any changes in the revenue records, was rendered as far back as on 11.07.2007. Nearly nineteen long years have elapsed since the pronouncement of the said judgment. Despite the passage of almost two decades, and notwithstanding the fact that the principle laid down therein has been consistently reiterated

and reinforced in several subsequent judicial pronouncements, this Court continues to be confronted with a large number of writ petitions raising the very same grievance of modifications being effected in revenue records without issuing prior notice or affording an opportunity of hearing to the persons likely to be affected. It is indeed unfortunate that, even after repeated judicial interventions, there appears to be no noticeable improvement in the manner in which the revenue authorities discharge their statutory obligations. When the provisions of the Act and the Rules expressly contemplate adherence to the fundamental principle of audi alteram partem, which constitutes the very foundation of procedural fairness, the continued failure of the authorities to comply with such a basic and mandatory requirement, whether on account of ignorance, administrative indifference or deliberate disregard, is wholly unjustified and cannot be lightly viewed. Such recurring lapses not only render the actions of the authorities vulnerable to judicial interference but also compel aggrieved persons to repeatedly approach this Court for enforcement of rights that ought to have been protected at the administrative level itself. Consequently, this Court is being unnecessarily burdened with avoidable and repetitive litigation, resulting in considerable consumption of its valuable judicial time, which could otherwise be devoted to adjudication of other deserving matters. Equally disturbing is the hardship inflicted upon innocent litigants, who are constrained to expend

their hard-earned money, precious time and resources in pursuing legal remedies merely to secure compliance with elementary procedural safeguards. Apart from the financial burden and prolonged uncertainty regarding their rights over the properties, such unnecessary litigation subjects the affected parties to considerable inconvenience, anxiety and mental agony. A statutory safeguard intended to protect the rights of citizens cannot be reduced to an empty formality, nor can repeated judicial pronouncements be allowed to remain mere declarations on paper without meaningful implementation at the administrative level. This Court, therefore, deems it appropriate to emphasize that the revenue authorities must discharge their statutory duties with due diligence, responsibility and strict fidelity to the principles of natural justice and the binding judicial precedents. It is high time that the authorities realize that faithful observance of these elementary legal requirements is not a matter of administrative discretion, but a solemn statutory obligation, the scrupulous discharge of which alone would prevent unnecessary litigation, safeguard the rights of citizens and preserve the valuable judicial time of this Court.

Further, under the Land Revenue Code and the Rights in Land Acts, the Tahsildar is statutorily mandated to register every application, issue both public and individual notices, invite objections from interested parties, afford a fair hearing, and subsequently pass a reasoned, written order either allowing

or rejecting the mutation. Despite these clear statutory imperatives, this Court has repeatedly encountered numerous instances where Tahsildars effect modifications in revenue records and issue consequential passbooks without passing any formal orders on the mutation applications. Although this Court has previously expressed its distress and anguish over this persistent administrative lawlessness, the practice continues. The present case stands as a classic example of non-compliance of statutory mandate.

To prevent further recurring lapses, the Special Chief Secretary (Revenue) shall issue a directive to all concerned officials ensuring strict compliance.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE RAVI CHEEMALAPATI

3rd November, 2026 RR

Note: Registry is directed to send copy of this order to the Special Chief Secretary (Revenue)

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