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APHC010095732018



IN THE HIGH COURT OF ANDHRA PRADESH

AT AMARAVATI

[3333]

(Special Original Jurisdiction)

FRIDAY, THE 7th DAY OF AUGUST 2026

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 4372/2018

Between:

1. B.NANDA KISHORE REDDY, S/O. LATE CHANDRA SHEKAR REDDY, AGED ABOUT 45 YEARS, OCC. AGRICULTURE, R/O. VASANTHAPURAM VILLAGE H/O. CHIGICHERLA VILLAGE, DHARMAVARAM MANDAL, ANANTAPURAMU DISTRICT.

2. HARI PRAKASH REDDY, S/O. LATE CHANDRA SHEKAR REDDY, AGED ABOUT 42 YEARS, OCC. AGRICULTURE, R/O. VASANTHAPURAM VILLAGE H/O. CHIGICHERLA VILLAGE, DHARMAVARAM MANDAL, ANANTAPURAMU DISTRICT.

...PETITIONER(S)

AND

1. STATE OF ANDHRA PRADESH, REVENUE DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT. REP. BY ITS PRINCIPAL SECRETARY.

2. THE JOINT COLLECTOR, ANANTAPURAMU, ANANTAPURAMU DISTRICT.

- 3.THE REVENUE DIVISIONAL OFFICER, DHARMAVARAM, ANANTHAPURAMU DISTRICT.
- 4.THE TAHSILDAR, DHARMAVARAM MANDAL, ANANTAPURAMU DISTRICT.
- 5.SMT M PARVATHAMMA, W/O. KULLAYYAPPA, AGED ABOUT 66 YEARS, R/O. GARUDAMPALLY VILLAGE, DHARMAVARAM MANDAL, ANANTAPURAMU DISTRICT.
- 6.M CHANDRAYUDU, S/O. CHANDRAIAH, AGED ABOUT 50 YEARS, OCC. CULTIVATION, R/O. GARUDAMPALLY VILLAGE, DHARMAVARAM MANDAL, ANANTAPURAMU 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 of certiorari or any other appropriate writ or direction calling for the records relating to order of the 2nd respondent passed in D.Dis.No.5679/2017/D4, dt.25.1.2018 in confirming the order of the 3rd respondent passed in RC.No.5284/2015/G, dt.24.7.2017 and quash the same and pass

IA NO: 1 OF 2018

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 dispense with filing of certified copy of the order of the 2nd respondent passed in D.Dis.No.5679/2017/D4, dt.25.1.2018 and pass

IA NO: 2 OF 2018

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 suspend the order of the 2nd respondent passed in D.Dis.No.5679/2017/D4, dt.25.1.2018 in confirming the order of the 3rd respondent passed in

RC.No.5284/2015/G, dt.24.7.2017, pending disposal of the WP and pass

IA NO: 3 OF 2018

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 Orders dt.02.05.2018 granted in W.P.No.4372 of 2018 and dismiss the above Writ Petition with exemplary costs, in the interest of justice, and to pass

Counsel for the Petitioner(S):

1.O M R LAW FIRM

Counsel for the Respondent(S):

1.S SRAVANA SANDHYA

2.GP FOR REVENUE (AP)

The Court made the following:

ORDER:

The present Writ Petition came to be filed under Article 226 of the Constitution of India seeking the following relief:-

“.... to issue a writ of certiorari or any other appropriate writ or direction calling for the records relating to order of the 2nd respondent passed in D.Dis.No.5679/2017/D4 dt.25.1.2018 in confirming the order of the 3rd respondent passed in RC.No.5284/2015/G dt.24.7.2017 and quash the same and pass.....”

2) The case of the petitioners is that respondent Nos.5 and 6 herein filed an appeal under Section 5 of the A.P Rights in land and pattedar Passbooks Act, 1971 (for short “the Act”) before respondent No.3 herein – Revenue Divisional Officer questioning the action of respondent No.4 - Tahsildar in issuing pattedar passbooks and title deeds in respect of the land in Sy.No.521-2, admeasuring an extent Ac.16.60 cents situated at Chigicherla Village, Dharmavaram Mandal, Anantapuramu District to the petitioners. Respondent No.5 and 6 contended before the Revenue Divisional Officer that originally the schedule land belong to one Medara Chinna Lingappagari Chandrayayudu, who is their grandfather. Their further case is that he had three sons namely (1) M.Chennappa, (2) M.Y. Pothannna, who is the father of respondent No.5 and (3) M.Chandraiah, who is the father of respondent No.6 and during his life time, the grandfather was in possession of the property and after his demise, the property devolved on his three sons and after their demise, the property devolved on respondent Nos.5 and 6 and thus they have

joint right, title and possession of the property. Taking advantage of their innocence and illiteracy, the petitioners and their mother got pattedar passbooks and title deeds in their favour and also managed the revenue authorities to get their names mutated in the revenue records and as such sought for setting aside the issuance of pattedar passbooks and title deeds in favour of the petitioners and their mother.

3) On receiving the said appeal filed by respondent Nos.5 and 6, respondent No.3 herein has forwarded the same to the Tahsildar to submit his remarks on the facts mentioned in the appeal petition. On receipt of the notice, the Tahsildar directed the Mandal Revenue Inspector to conduct an inspection and submit a report, accordingly, he has submitted his report stating that the land in Sy.No.521, admeasuring an extent of Ac. 16.60 cents was shown in the name of one Medara Chinna Lingappagari Chandrayayudu as per RSR and the records further revealed that the lands have been declared by the father of the petitioners in the land ceiling declaration in the year 1976 stating that he is the owner of the property and the land in Sy.No.521 was computed in the holding of the declarant. It is further stated that the father of the petitioners was found to be holding excess land and the same was also surrendered and after his demise, the property was partitioned among the petitioners and their mother and the pattedar passbooks and title deeds were also issued. It is further stated in the report that the father of the petitioners along with the petitioners herein mortgaged the property in the year 1991 and obtained the loan. Having stated so, the Tahsildar observed that the pattedar passbooks and title deeds have been issued irregularly and on misrepresentation of facts and on the

ground that the petitioners have failed to prove their right over the land as to whether the land was purchased or not.

4) Thereafter, a second report was submitted by the Tahsildar on 15.12.2016 to the Revenue Divisional Officer, wherein he has again noted the contents which have been stated earlier and further observed that the grandfather of respondent Nos.5 and 6 has executed a mortgage deed in the year 1937 and there is no recorded evidence as to whether the mortgage was released and it is further observed that the father of the petitioners has declared the land as his own land and during enquiry in the village it has come to light that their family is in possession of the land for more than 50 years.

5) Further, the petitioners also filed their counters stating that they are the absolute owners of the property and are exercising the right of ownership over the property and said land was also shown in the land ceiling declaration and this extent of land was also mentioned in the order passed by the Land Reforms Tribunal. It was also stated that they are in possession of the property and even in the year 1991, the land was mortgaged in favour of the bank and loan was obtained and that a dispute is pending before the Civil Court bearing suit O.S.No.11 of 2017 and O.S.No.13 of 2017 and sought for dismissal of the petition filed by respondent Nos.5 and 6

6) Considering the petition filed by respondent Nos.5 and 6 and counters filed by the petitioners, the Revenue Divisional Officer passed an order in RC.No.5284/15/G, dated 24.07.2017, wherein he has referred to the entire report of the Tahsildar and also averments made in the counter and the contention that the land was mortgaged by various persons at different times and as per the RSR, the

petitioners have no record to prove their right over the property and curiously came to the conclusion that having knowledge of multiple transactions, father of the petitioners has filed declarations that he has land. Respondent No.3 further came to the conclusion that the petitioners have not filed any documentary evidence to show that they have purchased the property and passed an order for cancellation of the pattedar passbooks and title deeds on the ground that there is no recorded evidence to show that the petitioners have title over the property.

7) Aggrieved by the order of respondent No.3, petitioners preferred Revision before respondent No.2-Joint Collector. During pendency of the revision, their mother who was a party to the same, died and to that extent they have also filed a memo. It was contended before the Joint Collector that except the entry in diglot, there is no other material before respondent No.3 to show that the respondent Nos.5 and 6 were ever in possession of the property and as there is a dispute with regard to title, the same has to be adjudicated by the Civil Court. It was further pleaded that the appeal is filed without an application to condone the delay and the Revenue Divisional Officer has no power to entertain the appeal.

8) The Joint Collector after extracting grounds of revision came to the conclusion that in the resettlement register, the name of the grandfather of the respondent Nos.5 and 6 is mentioned and the land was declared by the father of the petitioners in the Land Ceiling Declaration and thereafter there was a partition between the petitioners in the year 2015 and came to the conclusion that the petitioners have not produced any evidence to prove their title over

the property and the pattedar passbooks and title deeds are obtained without valid title over the land in question.

9) It is the further case of the petitioners that as per Section 5 (5) of the Act against every order of the recording authority either making an amendment in the record of rights or refusing to make such an amendment an appeal shall lie to the revenue divisional officer or such other authority as may be prescribed. As per the above provision, only against the order of the recording authority either making or amending the record of rights, an appeal lies and no appeal is maintainable against the issuance of pattedar passbooks and title deeds. In the present case, the appeal was filed before the Revenue Divisional Officer for cancellation of the pattedar passbooks. Therefore, the appeal filed before the Revenue Divisional Officer itself is not maintainable.

10) Petitioners contended that respondent Nos.2 and 3 passed the impugned order for cancellation of the pattedar passbooks and title deeds issued in favour of the petitioners on the ground that the name of the grandfather of respondent Nos.5 and 6 is shown in the RSR. The report of the Tahsildar shows that there were transactions in respect of the said property and also the father of the petitioners and his brothers have declared the land in their holding in the declarations filed in the year 1981 before the Land Reforms Tribunal under the provisions of the A.P Land Reforms (Ceiling on Agricultural Holdings) Act. 1971 and also mortgaged the property in favour of the bank in the year 1991 and the revenue records also show the name of the father of the petitioners and after his demise the name of the petitioners.

11) Further, in the appeal filed by respondent Nos.5 and 6, except stating that the petitioners and their mother obtained pattadar passbooks and title deeds by managing the revenue authorities, there is no whisper with regard to their possession and incorporation of their names in Form 1B. The entries in the revenue records were not questioned and in fact the revenue records show the name of father of the petitioners and after his demise, the names of the petitioners are mutated in the revenue records as pattadars of the property.

12) Even in the appeal filed by respondent Nos.5 and 6 the details of the pattadar passbooks were not mentioned and in spite of the same, respondent No.3 entertained the appeal. Section 5(5) of the Act provides that an appeal has to be filed within a period of 60 days from the date of the order. In the absence of any particulars with regard to the dates and without an application to condone the delay, respondent No.3 has no power to entertain the appeal. Therefore, the impugned order of respondent No.2 confirming the order of respondent No.3 is not legal and valid.

13) When the matter came up for admission on 12.02.2018, this Court passed the following interim order:

“Notice before admission.

At request of Mr.K.Srinivas, post after two weeks.

In the meantime, the respondents are directed to maintain the entries in Record of Rights relating to Survey No.521-2 of an extent of Acs.16-60 cents as maintained on 24.01.2018.”

14) Respondent No.2 filed counter contending that the land in S.No.521 extent 16.60 acres of Chigicherla Village of Dharmavaram Mandal is patta land as per Re-Settlement Register and stands registered in the name of Sri Medara Chinna Lingappagari Chandrayudu who died leaving behind his three sons namely M. Chennappa, M. Yerra Pothanna and Sri M. Chandraiah. After the death of Sri Medara Chinna Lingappagari Chandrayudu his three sons got right over the land in question. Respondent Nos.5 and 6 i.e., Smt. M. Parvathamma W/o Kullayappa and Sri M. Chandrayudu S/o late M.Chandraiah are granddaughter and grandson of Medara Chinna Lingappagari Chandrayudu i.e., Diglot pattadar.

15) It is further contended that while the matter stood thus, father of the petitioners B. Chandra Sekhar Reddy has shown the land in S.No.521-2 extent 4.49 acres in his land ceiling declaration in CC No.2223/DMV along with other lands. Similarly Sri B. Ranga Reddy S/o Chinna Obi Reddy has shown the land in S.No.521-2 extent 4.49 acres in his land ceiling declaration in CC No.2219/DMV along with other lands. But they have not produced any evidence to prove their title over the lands in question shown in their declarations. Declarations cannot give any right and title over the land.

16) The writ petitioners have obtained pattadar pass books and title deeds as shown below for the entire land in S.No.521-2 of Chigicherla Village of Dharmavaram Mandal.

Sl. No.	Name of the PPB Holder	S.No	Extent	PPB/TD No.	1B Khata No.
1	Smt. B. Prameelamma W/o late Chandra Sekhar Reddy	521-2	5.53	154873	991

2	Sri B. Nanda Kishore Reddy, S/o late Chandra Sekhar Reddy	521-2	5.53	164955	914
3	Sri B. Hari Prakash Reddy S/o late Chandra Sekhar Reddy	521-2	5.53	516784	1454
		Total	16.59		

17) It is further contended that the basis for showing the land in land ceiling declarations and for getting the above pattadar pass books and title deeds is that their grandfather i.e., late B. Obi Reddy S/o Ramachandrappa had the lands in S.No.528 extent 16.64 acres and S.No.530 extent 36.87 acres of Chigicherla village of Dharmavaram Mandal and that land was taken by the Government under Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 for issue of "D" Form pattas. In lieu of taking the said land the Government has allotted the land in S.No.521-2 extent 16.60 acres of Chigicherla village of Dharmavaram Mandal to them. Hence they have obtained pattadar pass books and title deeds for the land in question as shown above. The Pattadar Pass Books and Title Deeds cannot be issued only based on the possession. In the instant case the writ petitioners have failed to prove their title over the land in question either before this authority or before the Revenue Divisional Officer, Dharmavaram. The writ petitioners have obtained Pattadar Pass Books and Title Deeds without valid title flow over the land in question.

18) It is further contended in the counter affidavit that the writ petitioners are repeatedly stating that they are having right, title and

possession over the land in question and to that effect the land in question has been in the land ceiling declarations. But they have not produced any evidence such as registered sale deeds etc., showing their right over the land. The Diglot pattadar belongs to Kuruba Caste and the writ petitioners belong to OC community. Hence they cannot get claim right and title as legal heirs. The possession alone cannot give right and title over the land in question. The Pattadar Pass Books and Title Deeds cannot be issued only based on the possession. Likewise the writ petitioners have failed to prove their right and title over the land in question.

19) It is further contended that the revision petition filed by Sri B. Nanda Kishore Reddy and Sri B. Hari Prakash Reddy sons of late Chandra Sekhar Reddy of Vasanthapuramu H/o Chigicherla Village of Dharmavaram Mandal before the Joint Collector, Ananthapuramu against the orders of the Revenue Divisional Officer, Dharmavaram passed in Rc.No.5284/2015/G dated:24.07.2017 has been admitted under the provisions of Section 9 of A.P. Rights in Land & Pattadar Pass Books Act, 1979 and disposed off duly giving sufficient opportunity to the revision petitioners i.e., writ petitioners to produce recorded evidence showing their right and title over the land in question either for showing the land in question in the Land Ceiling Declarations or for getting Pattadar Pass Books and Title Deeds in their favour, but, however, they failed to produce valid documents such as registered sale deeds etc.

20) It is further contended that the orders of Revenue Divisional Officer, Dharmavaram passed in Rc.No.5284/2015/G dated:24.07.2017 have been confirmed in D.Dis.No.5679/2017/D4

dated:25.01.2018 duly verifying all the connected records since the revision petitioners i.e., writ petitioners have not produced any valid document to prove their title over the land in question and they have obtained Pattadar Pass Books and Title Deeds without valid title flow over the land in question, as such requested to dismiss the writ petition.

21) Respondent Nos.5 and 6 filed counter contending that after resuming the writ petitioners grandfather's land by the Government, the writ petitioners had entered into the land in Sy.No.521-2 extent Ac.16.60 cents which belongs to their family without any sale deed from the rightful owners. The land in Sy.No.521-2 extent Ac.16.60 cents out of which an extent of Ac.8.98 cents was included in the land ceiling declarations and the remaining land shown as writ petitioners ancestral property and recorded in revenue records and obtained pattadar passbooks by misrepresenting the facts. Knowing the same, respondent Nos.5 and 6 filed appeal under section 5(5) of the A.P.Rights in Lands and Pattadar Pass Books act 1971 before the Revenue divisional officer, Dharmavaram, Anantapur District. After filing appeal, reasonable opportunities were granted to both parties to prove their title and instructed to submit relevant records, and directed the Tahsildar, Dharmavaram to submit a detailed report.

22) Accordingly, the Tahsildar directed the Mandal Revenue Inspector to conduct enquiry and submit report. Basing on the reports of the Tahsildar and Mandal Revenue Inspector, the appeal was allowed by directing the Tahsildar to delete the entries made in revenue records in respect of Sy.No.521-2 extent of Ac.16.60 cents

of Chigicherla village on 24.07.2017 vide R.C.No.5284/15/G, which was confirmed by respondent No.2 in a revision preferred by the petitioners under Section 9 of the Act.

23) Further, respondent Nos.5 and 6 filed additional counter, reiterating the contentions urged in their counter, contended that pursuant to the orders passed by respondent No.3, names of respondent Nos.5 and 6 were mutated in the revenue records by respondent No.4 in respect of their lands an extent Ac.8.30 cents each which is evident from the proceedings dated. 22.09.2017 and pattedar passbook and 1B namuna dated 27.09.2017 were issued and also stated that the writ petitioners without filing an appeal against their mutation proceedings, have filed the above writ petition before this Court challenging the orders of respondent No.3 dt.24.07.2017 which were confirmed by respondent No.2 dated 25.01.2018 alleging that the appeal filed by respondent Nos.5 and 6 before respondent No.3 - revenue divisional officer is not maintainable. But, the writ petitioners have not taken the plea about the maintainability of the appeal before respondent No.3 at any point of time and that having exhausted the statutory revision under Section 9 before respondent No.2, it is not open for the petitioners to raise the ground on the maintainability of the appeal before respondent No.3. Further, as stated above, after the death of Sri Chandraiah, the names of respondent Nos.5 and 6 were mutated in the revenue records in respect of the subject land each Ac.8.30 cents and respondent No.4 has issued pattedar passbooks in their names. However, the writ petitioners without challenging the said mutation proceedings, have filed the above writ petition challenging the previous proceedings of respondent No.3 dated 24.07.2017,

which were confirmed by respondent No.2 dated 25.01.2018 though a statutory appeal lie against the mutation proceedings dated 22.09.2017.

24) It is further contended that subsequently, respondent No.5 had executed gift deed dated 25.09.2017 in favour of M.Kishore, who is her grandson for an extent of Ac.5.30 cents out of total extent of Ac.8.30 cents and also executed another gift deed in favour of her son namely M.Chandra Shekar an extent of Ac.3.00 cents under gift deed dated 12.12.2018. It is also contended that respondent Nos.5 and 6 already executed gift deed in favour of third parties, as such the title in respect of the subject property has been transferred to 3rd parties, much prior to filing of the writ petition.

25) It is further contended that the writ petitioners have filed separate suits i.e. O.S.No.11 of 2017 and O.S.No.13 of 2017 on the file of the Junior Civil Judge's Court, Dharmavaram for grant of permanent injunction against respondent Nos.5 and 6 in respect of land an extent of Ac.5.53 cents each in Sy.No.521 and pending suit they have also filed I.A.No.33 of 2017 in O.S.No.11 of 2017 and I.A.No.35 of 2017 in O.S.No.13 of 2017 for grant of temporary injunction, which were allowed vide orders dated 11.07.2019. Against the said orders passed in I.A.No.33 of 2017 in O.S.No.11 of 2017 and in I.A.No.35 of 2017 in O.S.No.13 of 2017, respondent Nos.5 and 6 preferred C.M.A.Nos.2 of 2019 and 3 of 2019 before the Senior Civil Judge, Dharmavaram and the same were allowed vide its orders dated 31.03.2023 by setting aside the orders passed in I.A.No.33 of 2017 in O.S.No.11 of 2017 and in I.A.No.35 of 2017 in O.S.No.13 of 2017. Against the said orders, the writ petitioners filed

C.R.P.No.1362 of 2023 and C.R.P.No.1367 of 2023 before this Court and the said revision petitions are pending. Therefore, petitioners have no title and possession over the subject land and without having any title over the subject land, the petitioners cannot seek for mutation of their names in the revenue records, and requested to dismiss the writ petition.

26) Sri O.Manohar Reddy, learned senior counsel for the petitioners contended that the impugned orders passed by respondent Nos.2 and 3 are wholly without jurisdiction and contrary to the provisions of the A.P. Rights in Land and Pattadar Pass Books Act, 1971 as the appeal filed by respondent Nos.5 and 6 is maintainable. Further, in the absence of application to condone the delay, respondent No.3 had no jurisdiction to entertain the appeal.

27) Learned Senior Counsel would further submit that the petitioners and their predecessors have been in possession and enjoyment of the subject property for several decades. The land was included in the land ceiling declarations of the petitioners' father, and the same was considered by the Land Reforms Tribunal and was also mortgaged to a bank in the year 1991. After the death of their father, the names of the petitioners were mutated in the revenue records. Respondent Nos.2 and 3 exceeded their statutory jurisdiction by adjudicating disputed questions of title. The Revenue Authorities are empowered only to maintain and correct revenue entries and cannot decide complicated questions relating to ownership. Since civil suits regarding the subject property are already pending between the parties, the authorities ought to have relegated the parties to the competent Civil Court instead of

recording findings that the petitioners have no title over the property, and requested to set aside the impugned proceedings.

28) Learned Government Pleader appearing for respondent No.2 supported the impugned orders and contended that the name of the grandfather of respondent Nos.5 and 6 was shown as the pattadar of the subject land in Re-Settlement Register (RSR). The petitioners failed to produce documentary evidence to prove their title. Mere inclusion of the land in the land ceiling declarations or long possession cannot confer title. Further, adequate opportunity was afforded to the petitioners before both the Revenue Divisional Officer and the Joint Collector to establish their title. However, despite such opportunity, they failed to produce any documentary evidence such as sale deeds or other title documents. Consequently, the authorities rightly concluded that the Pattadar Pass Books and Title Deeds had been obtained without lawful title, therefore, based upon the available revenue records and material collected during enquiry respondent No.3 passed the order in the appeal, which was confirmed by respondent No.2 in a revision preferred by the petitioners, as such they do not warrant any interference by this Court, and requested to dismiss the writ petition.

29) Sri S.Lakshminarayana Reddy, learned counsel appearing for Ms.S.Sravana Sandhya, learned counsel for respondent Nos.5 and 6 contended that the subject property originally belonged to their grandfather and, after his demise, devolved upon his legal heirs. The petitioners, without any valid title deed, got mutated their names in the revenue records and obtained pattadar passbooks. It is further submitted that the Revenue Divisional Officer, after

conducting a detailed enquiry and considering the reports submitted by the Tahsildar and Mandal Revenue Inspector, rightly directed deletion of the petitioners' names from the revenue records, which was confirmed in the revision filed by the petitioners.

30) The learned counsel for respondent Nos.5 and 6 would further submit that, pursuant to the orders of the Revenue Authorities, the names of respondent Nos.5 and 6 were mutated in the revenue records, Pattadar Pass Books and Title Deeds were issued in their favour and thereafter portions of the property were transferred through registered gift deeds. The petitioners did not challenge the subsequent mutation proceedings though a statutory remedy was available, therefore, writ petition is not maintainable and liable to be dismissed.

31) In “***Penumarthi Veera Panasa Ramana Vs. Penumarthi Sambamoorthy and others***¹”, relied on by the learned counsel for the petitioners, this Court while dealing with the entries in the revenue records, held as follows:

“.....the entries in the revenue records, though they may be relevant evidence under Sec.35 of the Evidence Act, are not evidence of title”

32) In “***Ratnamma Vs. The Revenue Divisional Officer, Dharmavaram, Ananthapur District and Ors.***²”, relied on by the learned counsel for the respondents, this Court held as follows:

“From a bare reading of Section 5(5) of the Act, it can be held that against every order of recording authority either making an amendment in

¹ AIR 1961 AP 361 (DB)

² 2015 (6) ALD 609 (DB)

the record of rights or refusing to make such an amendment, an appeal to the RDO, is provided within the time stipulated in the Section. Under the Act, making an amendment in the record of rights or refusing to make amendment in record of rights is a crucial stage and a substantive decision rendered by the recording authority. Therefore, right of appeal is provided against such decisions.”

33) In “**Mamidi Srinivas Vs. State of Andhra Pradesh**”³ relied on by the learned counsel for the respondents, this Court held as follows:

“It is settled position of law that the mutation of a property in the revenue records are fiscal proceedings and does not create or extinguish title nor has it any presumptive value on title. It only enables the person in whose favour the mutation has been ordered, to pay the land revenue”

34) In “**Roshina T Vs. Abdul Azeez K.T. and others**”⁴ relied on by the learned counsel for the respondents, the Hon’ble Supreme Court held as follows:

“It has been consistently held by this Court that a regular suit is the appropriate remedy for settlement of the disputes relating to property rights between the private persons. The remedy Under Article 226 of the Constitution shall not be available except where violation of some statutory duty on the part of statutory authority is alleged. In such cases, the Court has jurisdiction to issue appropriate directions to the authority concerned. It is held that the High Court cannot allow its constitutional jurisdiction to be used for deciding disputes, for which remedies under the general law, civil or criminal are available. This Court has held that it is not intended to replace the ordinary remedies by way of a civil suit or application available to an aggrieved person. The jurisdiction Under Article 226 of the

³ 2025 (6) ALD 834 (AP) (DB)

⁴ (2019) 2 SCC 329

Constitution being special and extraordinary, it should not be exercised casually or lightly on mere asking by the litigant.”

35) In “***D.L.F.Housing Construction (P) Limited Vs. Delhi Municipal Corporation and others***⁵” relied on by the learned counsel for the respondents, the Hon’ble Supreme Court held as follows:

“In our opinion, in a case where the basic facts are disputed, and complicated questions of law and fact depending on evidence are involved the writ court is not the proper forum for seeking relief.”

36) The law laid down in the said judgments is not in dispute. AS per the law laid down in the said judgments, the entries in the revenue records may be relevant evidence under Section 35 of the Evidence Act, but they are not evidence of title. Further, regular suit is the appropriate remedy for settlement of the disputes relating to property rights between the private persons. Where the basic facts are disputed, and complicated questions of law and fact depending on evidence are involved the writ court is not the proper forum for seeking relief. Further, the remedy Under Article 226 of the Constitution shall not be available except where violation of some statutory duty on the part of statutory authority is alleged.

37) On a careful consideration of the material available on record, it is evident that respondent Nos.5 and 6 preferred an appeal under Section 5 of the A.P. Rights in Land and Pattadar Pass Books Act, 1971 before respondent No.3 questioning the action of respondent No.4 in issuing Pattadar Pass Books and Title Deeds in respect of the subject land in Sy.No.521-2, admeasuring Ac.16.60 cents

⁵ (1976) 3 SCC 160

situated at Chigicherla Village, Dharmavaram Mandal, Anantapuramu District. After affording due opportunity to both parties and upon consideration of the reports submitted by the Tahsildar, respondent No.3 allowed the appeal vide proceedings in Rc.No.5284/2015/G dated 24.07.2017, directing cancellation of the Pattadar Pass Books issued in favour of the petitioners. Consequent thereto, the names of respondent Nos.5 and 6 were mutated in the revenue records. Aggrieved thereby, the petitioners preferred a revision under Section 9 of the Act before respondent No.2. Respondent No.2, after examining the entire material on record, including the reports of the Tahsildar and the findings recorded by respondent No.3, dismissed the revision vide D.Dis.No.5679/2017/D4 dated 25.01.2018 and confirmed the order of respondent No.3.

38) From the above, it appears that respondent Nos.2 and 3 have played role of a Civil Court and have gone into the question of title. Such a power to adjudicate the title in respect of the property has not been conferred on respondent Nos.2 and 3 herein. No power was conferred on respondent Nos.2 and 3 under the provisions of the A.P. Rights in Land and Pattedar Passbooks Act, 1971 to decide the title of the property and they are empowered only to go into the entries in the revenue records. Instead of relegating the parties to the Civil Court, the respondent Nos.2 and 3 have gone beyond the powers conferred on them and gave a finding that the petitioners have no title to the property.

39) Further, it is also borne out from the record that the petitioners instituted O.S.No.11 of 2017 and O.S.No.13 of 2017 on the file of the learned Junior Civil Judge, Dharmavaram, seeking permanent

injunction against respondent Nos.5 and 6 in respect of the subject property. They also obtained temporary injunction orders in I.A.No.33 of 2017 in O.S.No.11 of 2017 and I.A.No.35 of 2017 in O.S.No.13 of 2017 vide orders dated 11.07.2019. However, the said orders were challenged by respondent Nos.5 and 6 in C.M.A. Nos.2 and 3 of 2019 before the learned Senior Civil Judge, Dharmavaram, and those appeals were allowed vide orders dated 31.03.2023, and set aside the orders of temporary injunction. Aggrieved thereby, the petitioners have preferred C.R.P.No.1362 of 2023 and C.R.P.No.1367 of 2023 before this Court, and the said Civil Revision Petitions are stated to be pending consideration.

40) The aforesaid facts clearly demonstrate that there exists a serious dispute relating to title over the subject property between the petitioners and respondent Nos.5 and 6. The institution of civil suits by the petitioners themselves in respect of the very same property is a clear indication that the dispute is one relating to civil rights and title. Such disputed questions of title cannot be adjudicated by this Court in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India. As per the law laid down by the Hon'ble Supreme Court in ***Roshina T Vs. Abdul Azeez K.T. and others***" (referred supra) a regular civil suit is the appropriate remedy for settlement of the disputes relating to property rights between the private persons. Therefore, the proper forum for adjudication of such disputes is the competent Civil Court, where the parties can establish their respective rights by leading oral and documentary evidence. Admittedly, in the present case, petitioners filed O.S.No.11 of 2017 and O.S.No.13 of 2017 on the file of the Junior Civil Judge's

Court, Dharmavaram for grant of permanent injunction against respondent Nos.5 and 6.

41) Therefore, without expressing any opinion on the merits of the rival claims of the parties, this Court is of the view that the entries in the revenue records shall remain subject to the final outcome of the civil suits O.S.No.11 of 2017 and O.S.No.13 of 2017 on the file of the learned Junior Civil Judge's Court, Dharmavaram filed by the petitioners herein. The findings, if any, recorded by the revenue authorities shall not prejudice the rights of either party before the competent Civil Court. The trial Court shall decide the suits filed by the petitioners herein uninfluenced by the observations made hereinabove.

42) With the above observations, the Writ Petition is disposed of. There shall be no order as to costs.

43) Pending miscellaneous applications, if any, shall stand closed.

JUSTICE V.SUJATHA

07.08.2026

Ksp

Whether the order is :

Speaking - Yes

Reportable - No