

APHC010278582024



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

[3208]

FRIDAY, THE SECOND DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE D RAMESH

WRIT PETITION NO: 13958/2024

Between:

1. JETTI JAGANNADHA RAO,, S/O LATE SRI SURYA RAO,
BUSINESS, AGED 65 YEARS, R/O.D.NO.35-11-12,
MANGALAVARAPUPETA, RAJ AM AHENDR AVARAM,
EAST GODAVARI DISTRICT.
2. JETTI NAGESWARA RAO, S/O LATE SRI SURYA RAO,
BUSINESS, AGED 63 YEARS, R/O.D.NO.35-11-12,
MANGALAVARAPUPETA, RAJ AMAHENDRAVARAM,
EAST GODAVARI DISTRICT.
3. JETTI VENKATA RAO,, S/O LATE SRI SURYA RAO,
BUSINESS, AGED 83 YEARS, R/O.D.NO.35-11-12,
MANGALAVARAPUPETA, RAJ AMAHENDRAVARAM,
EAST GODAVARI DISTRICT.
4. JETTI SATYANARAYANA,, S/O LATE SRI SURYA RAO,
BUSINESS, AGED 80 YEARS. R/O.D.NO.35-11-12,
MANGALAVARAPUPETA, RAJ AMAHENDRAVARAM,
EAST GODAVARI DISTRICT.
5. JETTI PRASADA RAO,, S/O LATE SRI SURYA RAO,
BUSINESS, AGED 75 YEARS, R/O.D.NO.35-11-12,
MANGALAVARAPUPETA, RAJ AMAHENDRAVARAM.

EAST GODAVARI DISTRICT.

6.JETTI RAMA RAO,, S/O LATE SRI SURYA RAO,
BUSINESS, AGED 70 YEARS, R/O.D.NO.35-11-12,
MANGALAVARAPUPETA, RAJ AMAHENDRAVARAM,
EAST GODAVARI DISTRICT.

...PETITIONER(S)

AND

- 1.THE STATE OF ANDHRA PRADESH, REP BY ITS PRL.
SECRETARY, REVENUE DEPARTMENT,
SECRETARIAT, VELAGAPUDI, GUNTUR DISTRICT.
- 2.THE REVISION AUTHORITY AND JOINT COLLECTOR
AND ADDL DISTRICT MAGISTRATE, EAST GODAVARI
DISTRICT., RAJ AMAHENDRAVARAM.
- 3.THE REVENUE DIVISIONAL OFFICER R D O, RAJ
AMAHENDRAVARAM. EAST GODAVARI DISTRICT.
- 4.THE TAHSILDAR, RAJANAGARAM MANDAL, EAST
GODAVARI DIST.
- 5.KANDULA SATYAVATHI, W/O LATE VEERA RAGHAVA
SWAMY NAIDU, AGED ABOUT 50 YEARS R/O
DIWANCHERUVU. RAJANAGARAM MANDAL. EAST
GODAVARI DISTRICT.
- 6.JETTI GOVINDA RAO, S/O LATE SRI SURYA RAO,
BUSINESS, AGED 73 YEARS, R/O.D.NO.35-11-12,
MANGALAVARAPUPETA, RAJ AMAHENDRAVARAM,
EAST GODAVARI DISTRICT.

...RESPONDENT(S):

Counsel for the Petitioner(S):

1.P RAJESH BABU

Counsel for the Respondent(S):

1.GP FOR REVENUE

2.G R SUDHAKAR

The Court made the following:

THE HONOURABLE SRI JUSTICE D.RAMESH**WRIT PETITION No.13958 of 2024****ORDER:**

The present writ petition is filed aggrieved by the orders dated 01.06.2024 passed by the 2nd respondent-revisional authority.

2. The petitioners and respondent No.6 are all brothers and they are the absolute owners of the land for an extent of Ac.31.61 cents in R.S.No.115 of Palacherla Village, Rajanagaram Mandal, East Godavari District. The said land has been acquired by them under different sale deeds from different independent owners from 1997 to 2010. Accordingly, their names were entered in revenue records mentioning the extent of land by each person. Out of Ac.31.61 cents, an extent of Ac.4.48 cents of land was acquired under Land Acquisition Act and rest of Ac.27.13 cents have been in physical possession and enjoyment of the petitioners.

3. The 5th respondent has approached this Court and filed W.P.No.25568 of 2018 questioning the inaction of respondent No.4 in considering her representation made on 17.05.2017 for

correction of revenue records over the land for an extent of Ac.4.65 cents instead of Ac.3.13 cents. The said writ petition was disposed of on 11.07.2023 giving liberty to the petitioner therein/5th respondent herein to file an appeal/revision before the appropriate authority regarding her claim to mutate her name against the land of an extent of Ac.4.78 cents. Consequent to the disposal of the said writ petition, the 5th respondent has filed a revision before the 2nd respondent under Section 9 of the Andhra Pradesh Rights and Land and Pattadar Pass Books Act, 1971 (for short, 'the Act') making all the petitioners and the 6th respondent herein as respondent Nos.2 to 8 wherein they have filed their counter taking an objection that the 2nd respondent has no authority to entertain the revision filed under Section 9 of the Act. But the revisional authority, without considering the facts mentioned in the counter filed to the revision petition, allowed the revision with the following directions:

“In the exercise of powers conferred under Section 9 of the A.P. Rights in Land and Pattadar Pass Books Act, 1971, the Court is hereby issued orders that the Tahsildar, Rajanagaram is directed to delete the entire pattadars in R.S.No.115 except Chagalanadu Canal extent Ac.6.13 cts and to mutate the land an extent of Ac.6.49 cts in favour of

the revision petitioner who is having enjoyment Ac.7.77 cts. The Tahsildar, Rajanagaram is also directed to mutate the land for Ac.1.26 cts in R.S.No.115 in the name of Endowment department as the above land is also marked in Prohibited Properties list of 22-A(1)(e) of Registration Act, 1908 and also mutate the balance extent to Jetti family after taken assent and confirmation of boundaries as per the documents and physical possession and issue necessary record of rights as per rules in vogue.”

4. Aggrieved by the said orders, the present writ petition is filed.

5. The said orders were assailed on three grounds. The first ground raised by the learned counsel for the petitioners is that the revision is not maintainable if at all the 5th respondent has any grievance in mutation/entries made in favour of the petitioners and the 6th respondent herein, she ought to have filed an appeal before the Revenue Divisional Officer but not the revision before the 2nd respondent. The second ground is that the 5th respondent has approached the 4th respondent for mutation of her name for total extent of Ac.4.78 cents beyond limitation prescribed under the Act. Hence, the revisional authority is not entitled to entertain the revision without considering the delay. The third ground

raised by the learned counsel for the petitioners is that the total extent of land in R.S.No.115 purchased by petitioners and the 6th respondent by different sale deeds from 1997 to 2010 is Ac.31.61 cents. Out of which, Ac.4.48 cents have acquired by the Government under the provisions of the Land Acquisition Act for Chagalnadu Lift Irrigation Scheme and rest of Ac.27.13 cents were mutated in favour of the petitioners and actually they are in possession. The 5th respondent has filed the revision for mutation of land for an extent of Ac.4.75 cents, but the 2nd respondent has allowed the revision directing the authorities to mutate the land for Ac.6.49 cents and hence, the relief granted by the revisional authority is beyond the prayer made by the 5th respondent in the revision petition.

6. Considering the first ground, Section 9 of the Act reads as follows:

“9. Revision - The Collector may either suo-motu or on an application made to him, call for and examine the record of any Recording Authority, Mandal Revenue Officer or Revenue Divisional Officer under sections 3, 5, 5A or 5B, in respect of any record of rights prepared or maintained to satisfy himself as to the regularity, correctness, legality or propriety of any decision taken, order passed or proceedings made in respect thereof and if it appears to

the Collector that any such decision, order or proceedings should be modified, annulled or reversed or remitted for reconsideration, he may pass orders accordingly:

Provided that no such order adversely affecting any person shall be passed under this Section unless he had an opportunity of making a representation.”

7. On perusal of the above provision, it clearly demonstrates that either suo-motu or an application filed before the Collector, he may call for and examine the record of any Recording Authority, Mandal Revenue Officer or Revenue Divisional Officer under sections 3, 5, 5A or 5B. Hence, the first ground raised by the learned counsel for the petitioners is rejected and declaring that the revision is maintainable against any irregular entries made by the competent authority.

8. The second ground raised by the learned counsel for the petitioners that the application moved by the 5th respondent is beyond the time prescribed under the provisions of the Act. Hence, the revisional authority ought to have considered before proceeding the revision with regard to delay.

9. To reply to the said contention, Section 3(3) of the Act prescribes any person affected by an entry in such record of

rights may, within a period of one year from the date of the notification referred to in sub-section (2), apply, for rectification of the entry. According to the said provision, while recording the initial entry as per Section 3 of the Act and after notification, if any person is aggrieved by the said notification, he has to file an application under Section 3(3) of the Act within a period of one year. On perusal of Section 9 of the Act, it shows that no such time limit has prescribed. Hence, the second ground raised by the learned counsel for the petitioners is also rejected as the same is not supported by provisions of the Act.

10. As far as the third ground is concerned, the learned counsel appearing on behalf of the 5th respondent has taken this Court to relevant portion of the order passed by the revisional authority. According to the same, the entire extent of land belongs to four branches in which the husband of 5th respondent belongs to one branch and a compromise decree was passed on 29.03.1933 in O.S.No.57 of 1926 in which one K.Veera Swamy Naidu and his sons Babu Rao and Narayana Murthy were entitled to undivided 1/4th share that aggregate Ac.9.40 cents out of total extent of Ac.37.58 cents and accordingly, the 5th respondent husband got Ac.9.40 cents out of which in the year 2000 the

Government has acquired an extent of Ac.1.65 cents for the purpose of Chagalnadu Lift Irrigation Scheme. After acquisition proceedings, a total extent of Ac.7.75 cents left with the 5th respondent and out of which Ac.3.00 cents stand in the name of Kondamuri Adilakshmi who is the daughter of the revision petitioner and the remaining land of Ac.4.78 cents have been in possession of the revision petitioner i.e, the 5th respondent herein. When a survey was conducted in the year 2016, it came to the notice of the 5th respondent that she is in possession of Ac.4.65 cents, but in revenue records it was recorded only Ac.3.13 cents and hence she filed an application on 17.05.2017 before the 4th respondent herein for correction of the entries in revenue records and issue pattadar pass book accordingly and the same was not considered, she filed W.P.No.25568 of 2018 and the said writ petition was disposed of on 11.07.2023. As per the orders passed by this Court, the 5th respondent has preferred a revision for correction of the revenue records by showing an extent of Ac.4.65 cents in R.S.No.115 in the name of the 5th respondent in place of Ac.3.13 cents as per the survey report. Learned counsel further contended that though the 5th respondent has filed a revision only for an extent of Ac.4.65 cents in R.S.

No.115, but subsequently after the demise of the husband of the daughter of the 5th respondent, she is also living with the 5th respondent. Accordingly, she made a request for entries in revenue records pertaining to Ac.3.00 cents, which was in the name of the daughter of the 5th respondent, also may be recorded in her name. There is also a dispute with regard to Ac.1.26 cents as the said land is claimed by the Endowments Department. Considering the said request, based on the records and also the observations in the compromise decree which was made in O.S.No.57 of 1926 dated 29.03.1933 after deducting the land acquired by the Government, the revisional authority rightly directed to correct the entries for an extent of Ac.6.49 cents. In the said circumstances, though the 5th respondent has claimed in revision petition for Ac.4.65 cents that does not include the land which was in favour of the daughter of the 5th respondent and based on the subsequent events as requested by the 5th respondent, the revisional authority has considered and made an order with regard to Ac.6.49 cents and the remaining extent of Ac.1.26 cents, the learned counsel appearing on behalf of the 5th respondent has submitted that the same will be pursued before the authorities in a different proceedings.

11. Reply to the said contentions, the learned counsel appearing on behalf of the petitioners has contended that though the 5th respondent has relied on a decree, the said document was not placed along with the revision petition. Further, the 5th respondent has sought for correction of the entries pertaining to the land only Ac.4.65 cents. When there is no request more specifically written amendments, the revisional authority ought not to have directed for mutation of an extent of Ac.6.49 cents.

12. Considering the above submissions, as far as the third ground is concerned, the 5th respondent has made an application on 17.05.2017 based on the survey report for correction of entries pertaining to the land which she is in possession for an extent of Ac.4.65 cents. Considering the said submissions, it is clear that as per the decree passed in O.S.No.57 of 1926, each party is entitled to 1/4th share out of Ac.37.58 cents and 1/4th share comes to Ac.9.40 cents and it is also not in dispute that the 5th respondent having 1/4th share comes to Ac.9.40 cents. Out of Ac.9.40 cents, admittedly the land of Ac.1.65 cents was acquired by the Government under land acquisition proceedings. When that being the position, the remaining extent of Ac.7.75 cents should be with the 5th respondent. Out of Ac.7.75 cents, the

revisional authority has rightly observed that there is a claim of the Endowments Department for an extent Ac.1.26 cents. When that being the position, the rest of the land should be belongs to the 5th respondent. Accordingly, the revisional authority has rightly observed for mutation of the rest of the land in favour of the revision petitioner i.e., the 5th respondent. Though the petitioner's have claimed right over the property based on the different sale deeds from different people, the fact remains that the 5th respondent has filed the revision based on the decree and also based on the survey report dated 04.01.2024. When that being the position, if the petitioners have any grievance with regard to the lands, the same should be agitated before the competent forum by filing a separate claim petition. Hence, the writ petition lacks merits.

13. Accordingly, the Writ Petition is dismissed. In view of dismissal of the writ petition, interim orders, if any, are also vacated. There shall be no order as to costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE D.RAMESH

Date: 02.01.2026
lvd

THE HONOURABLE SRI JUSTICE D.RAMESH

WRIT PETITION No.13958 of 2024

Dated: 02.01.2026

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