(2015) 02 AP CK 0007

In the Andhra Pradesh High Court

Case No : Writ Petition No. 558 of 2015

G. Prabhakar APPELLANT

Vs

State of Telangana and Others RESPONDENT

Date of Decision : 10-02-2015

Acts Referred:

Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 — Section 3, 3(1), 3(2), 3(3), 4

Citation : (2015) 4 ALD 427 : (2015) 5 ALT 290

Hon'ble Judges : Challa Kodanda Ram, J.

Bench : Single Bench

Advocate : M. Damodar Reddy, for the Appellant

Final Decision : Disposed off

Judgement

Challa Kodanda Ram, J.—This writ petition is filed by the petitioner seeking to declare the action of respondent Nos. 2 and 3 in not considering his representation dated 04.10.2012 seeking for correction of the entry in respect of the land admeasuring Ac. 1.20 guntas in Sy. No. 490/D, and Ac. 1.06 guntas in Sy. No. 490/O, total admeasuring Ac. 2.26 guntas at Bachupally Village, Qutubullapur Mandal, Ranga Reddy District from that of ?Lavani Patta? to ?Private Patta? in the revenue records as illegal, unlawful and contrary to law and consequently direct the respondent Nos. 2 and 3 to consider the representation of the petitioner and make necessary correction in the ROR by correcting the nature of the land from that of ?Lavani Patta? to ?Private Patta?.

2. It is the case of the petitioner that the family of Syed Miya were issued pattadar pass books and in which the land in Sy. No. 490 was recorded as a patta land and whereas in the year 2003 a mistake has crept and the nature of the land was recorded as ?Lavani Patta? instead of ?Private Patta? and the same is being continued as such. Bringing this fact to the notice of the 3rd respondent, petitioner had submitted an application on 04.10.2012 to the 2nd respondent vide complaint No. 26346, requesting him to correct the entries in the revenue

records. Thereafter, the petitioner had also approached the 2nd respondent to direct the 3rd respondent to take necessary action with regard to the correction of the mistake in the revenue records. Petitioner further submits that even though he has submitted the application in the year 2012 itself bringing the fact of mistake in the revenue records, no action was taken by the respondents so far.

3. On the other hand, Sri S. Srinivasa Rao, learned Assistant Government Pleader for Revenue submits that the Tahsildar-3rd respondent is not vested with any power to make any corrections with respect to the wrong entries made in revenue records. Even assuming that there are any inadvertent mistakes, the petitioner needs to approach the District Collector as per the provisions of Section 9 of the A.P. Rights in Land and Pattadar Pass Books Act, 1971 (for short, ?the Act?) seeking correction of such entries and he alone is the competent authority to direct any entries to be modified in one way or the other.

4. A perusal of Sections 3 to 5 and 9 of the Act leave no manner of doubt that the Tahsildar is not vested with any powers to make corrections either suo motu or on an application except at the time of making entries for the first time in terms of the notification issued under Sections 3(1), 3(2) of the Act. Any corrections in relation to the entries could be made in the given circumstances satisfying Section 3(3) of the Act within one year. If the case requiring corrections of the revenue records beyond the time limit of one year, necessary orders can be passed only by the District Collector in exercise of the revisional powers and the Tahsildar is not vested with any such power. In that view of the matter, liberty is given to the petitioner to approach the 2nd respondent-District Collector, and submit an application ventilating his grievance and seek redress. On submission of such application, the 2nd respondent-District Collector shall dispose of the same within a period of six months.

5. With the above observation, the writ petition is disposed of. No order as to costs. Miscellaneous Petitions, if any pending in this writ petition shall stand closed.