
(2012) 10 AP CK 0123

In the Andhra Pradesh High Court

Case No : Writ Petition No. 31910 of 2012

Sri M.A.V. Raghavacharyulu

APPELLANT

Vs

The District Collector and others

RESPONDENT

Date of Decision : 12-10-2012

Acts Referred:

Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 — Section 7, 9

Citation : (2013) 1 ALD 105 : (2013) 1 ALT 184

Hon'ble Judges : L. Narasimha Reddy, J

Bench : Single Bench

Advocate : Kuriti Bhaskara Rao, for the Appellant;

Judgement

Hon'ble Mr Justice L. Narasimha reddy

1. The petitioner states that their great grand father was granted inam in respect of Ac. 3.14 cents of land in Survey No. 29/6A of Vadapalli Village, Atreyapuram Mandal, East Godavari District way back in the year 1865. At one stage, the land is said to have been claimed and occupied by the administration of Sri Venkateswara Swami Devasthanam of that Village and thereupon, the grand father of the petitioner filed O.S. No. 222 of 1946 in the Court of District Munsif, Rajole. On the basis of the decree passed therein, the possession of the property was recovered on 17.07.1949. The petitioner states that consequent to the enactment of A.P. (Andhra Area) Inams (Abolition and Conversion into Ryotwari) Act, an application u/s 7 of that Act was filed and through order dated 30.06.1972, ryotwari patta was granted in their favour. The petitioner submits that on account of the employment, they left the village and taking advantage of the same, third parties are claiming rights. With a view to put the record straight, he submitted application in Form-6A prescribed under the A.P. Rights in Land and Pattadar Pass Books Act (for short "the Act") before the Tahsildar, Atreyapuram Mandal, 3rd respondent herein with a request to issue Pattadar pass books and title deeds. Through order, dated 30.01.2008, the 3rd respondent rejected the application stating that (a) the property is recorded in

the name of Sri Venkateswara Swami Devasthanam and (b) that the petitioner is not in possession of the land either by direct cultivation or through tenants. Aggrieved by that, the petitioner filed an appeal before the Revenue Divisional Officer, Amalapuram. The appeal was dismissed on 30.11.2009. Thereupon, the petitioner filed a revision u/s 9 of the Act before the Joint Collector, East Godavari District, 2nd respondent herein. The revision was rejected through order, dated 30.05.2012. Hence, this writ petition.

2. Learned counsel for the petitioner submits that the land is under enjoyment and possession of their family members for the past more than one and half centuries and there was absolutely no basis for the respondents in denying the Pattadar pass books and title deeds. He further submits that the rights that have been conferred in the year 1865 have been recognized from time to time and latest through the grant of ryotwari patta.

3. Learned Government Pleader for Revenue on the other hand submits that even if an individual holds title to land, it is only when he is found to be in possession of the same, that Pattadar pass books and tile deeds can be issued. He submits that the entries in the revenue records as they stand now, reflect the ownership of the land with the Temple.

4. The petitioners have stated the manner in which the land was being enjoyed by their family for the past one and half centuries. When their ancestors were dispossessed from the land, O.S. No. 222 of 1946 was filed and the same was decreed. This was followed by grant of ryotwari patta.

5. Assuming that the facts referred to above connote title of the petitioner over the land, what becomes relevant in the context of issuance of Pattadar pass books and title deeds, is the nature of entries in the revenue records at the relevant point of time, and the factum of possession over the land. On both the counts, the petitioner stands on a weak footing. The revenue records disclose that the ownership of the land is vested in Sri Venkateswara Swami Devasthanam. The record also discloses that the petitioners are not in possession either by themselves or through any tenant. When these vital aspects are not in favour of the petitioner, the 3rd respondent cannot be expected to issue Pattadar pass books and tile deeds to the petitioner.

6. If the petitioner doubts the correctness of the entries in the revenue records, as they stand now, he has to pursue the remedies under the relevant provisions of law. As regards possession over the property, the petitioner has to either establish the same, if he is in possession or recover it, if third parties are in possession. This would have been possible, only when a suit is filed.

7. Hence, the writ petition is disposed of, leaving it open to the petitioner to renew his effort to obtain Pattadar pass books and title deeds, in case he is successful in getting the entries in the revenue records rectified or resume possession over the land, by taking recourse to civil suit. The miscellaneous petition filed in this writ petition also shall stand disposed of. There shall be no

order as to costs.