

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

TUESDAY, THE SIXTH DAY OF MAY
TWO THOUSAND AND TWENTY FIVE



PRESENT

THE HONOURABLE SRI JUSTICE R. RAGHUNANDAN RAO,
AND
THE HONOURABLE DR JUSTICE K. MANMADHA RAO,

WRIT APPEAL NO: 552 OF 2025

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 23-01-2025 in W.P.No.3323 of 2022 on the file of the High Court.

Between:

J. Naveen Kumar, S/o. J.Swamy Rao, R/o.7-2-111,Dhanalakshmi Road,
Hindupur, Ananthapur District.

...APPELLANT/RESPONDENT No.5

AND

1. K. Abdul Sattar, S/o. Late K.Peeru Sab, Aged 70 years, R/o. Golden Residency, Plot No. 102, 1st floor, Jaihind Nagar Colony, Shaikpeta, Hyderabad-500008.
2. The State of Andhra Pradesh, Rep by its Principle Secretary, Revenue Department, Secretariat Amaravathi, Velagapudi, Guntur District, Andhra Pradesh.
3. The Joint Collector, Ananthapur, Ananthapur District.
4. The Sub- Collector and Sub-Divisional Magistrate, Penukonda, Ananthapur District.
5. The Tahsildar, Hindupur Mandal, Ananthapuram District.

...RESPONDENTS

IA NO: 1 OF 2025 ✓

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 dated 23-01-2025 passed in W.P.No. 3323 of 2022, pendency of Writ Appeal. ✓

Counsel for the Appellant : SRI S. KRISHNA REDDY ✓

Counsel for the Respondent No.1 : SRI N. ASWARTHA NARAYANA ✓

Counsel for the Respondent Nos.2 to 5 : GP FOR REVENUE ✓

The Court made the following: JUDGMENT

APHC010149692025



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

[3525]

**TUESDAY, THE SIXTH DAY OF MAY
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO

THE HONOURABLE DR JUSTICE K MANMADHA RAO

WRIT APPEAL NO: 552/2025

Between:

J Naveen Kumar

...APPELLANT

AND

K Abdul Sattar and Others

...RESPONDENT(S)

Counsel for the Appellant:

1.S KRISHNA REDDY

Counsel for the Respondent(S):

1.GP FOR REVENUE

2.N ASWARTHA NARAYANA

The Court made the following:

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO

AND

THE HONOURABLE DR JUSTICE K MANMADHA RAO

WRIT APPEAL NO: 552 OF 2025

JUDGMENT:

1. This Writ Appeal has been filed questioning the correctness of the order, dated 23.01.2025, passed in W.P.No.3323 of 2022, by the learned Single Judge.
2. The appellant herein claims ownership over Ac.1.32 cents of land in Sy.No.250-4, in Kotnuru Village, Hindupur Mandal, Ananthapur District. The appellant had approached the Tahsildar of Hindupur Mandal with a complaint that the earlier incumbent had forged the revenue entries without any underlying proceedings, with a view to benefit the respondent No.1 herein and that the said entries need to be rectified and corrected. The Tahsildar, Hindupur Mandal, after conducting an enquiry forwarded the request of the appellant along with a copy of the enquiry report to the Revenue Divisional Officer, Penukonda. The said Revenue Divisional Officer, vide proceedings in RC.No.2036/2020/B, dated 05.01.2022, cancelled the entries made in the 1-B Khata No.2607 and incorporated the name of the appellant in the Revenue record.
3. Aggrieved by the said order, respondent No.1 approached this court by way of W.P.No.3323 of 2022. In this writ petition, the respondent No.1 contended that the Revenue Divisional Officer, Penukonda, did not have any

jurisdiction to carryout said corrections. The case of the respondent No.1 was that the impugned order could have been passed only in exercise of appeal powers of Revenue Divisional Officer under Section 5(5) of the ROR Act. The respondent No.1 contended that the order was not permissible unless an appeal had been filed against the original order passed under Section 5(3) of the ROR Act. As there was no underlying proceedings passed under Section 5(3) of the ROR Act, the appeal under Section 5(5) of the ROR Act would also not be maintainable and would be beyond jurisdiction. Learned Single Judge of this Court, by an order, dated 23.01.2025, accepted the contention of the respondent No.1 and set aside the impugned order with liberty to the appellant herein to approach the appropriate forum. It appears that a suit had also been filed during pendency of the writ petition in O.S.No.43 of 2002 on the file of Junior Civil Judge, Hindupur. In view of the suit, learned Single Judge had also stated the appellant could approach the appropriate forum in accordance with law, subject to the outcome of the civil suit.

4. Aggrieved by this order, the appellant has preferred the present writ appeal.
5. Heard Sri.Seelam Krishna Reddy, learned counsel for the appellant and Sri. N.Aswartha Narayana, learned counsel for the respondent No.1.
6. The learned counsel for the appellant would submit that Rule 13(2) of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971, empowers the Revenue Divisional Officer to exercise revisionary jurisdiction. Learned

counsel would also submit that the respondent No.1 is selling away the land in dispute on the basis of the orders of the learned Single Judge and such sale would prejudice the interest of the appellant.

7. Learned counsel for the appellant would also draw the attention of this Court to the observations of the learned Single Judge that mere filing of a civil suit does not necessarily stay the hands of the revenue authorities under ROR Act, where fraud is evident.

8. In the present case, the dispute appears to be that the revenue entries contained the names of the ancestors of the appellant in relation to this land, whereas, the name of the respondent No.1 was incorporated without any underlying proceedings and the same was on account of fraud.

9. This contention is refuted by the respondent No.1 who states that he has independent title to the land. He would also submit that the names of the ancestors of the appellant continue to remain in the revenue record and as such, there is no prejudice caused to the appellant.

10. These issues would best be resolved by the revenue authorities as they are the custodians of the revenue records. However, the said issue cannot be determined by the Revenue Divisional Officer, Penukonda, as the provisions of Section 9 do not confer any power of revision on the Revenue Divisional Officer. However, such power is conferred on the Collector, as defined under the Act.

11. In such circumstances, the dispute between the parties would have to be resolved simultaneously in relation to the entries in the revenue records and whether such entries are based on any proceedings or not, by the revenue authorities and the claim and title over the land would have to be resolved by the Civil Court, where the suit is already pending.

12. In the circumstances, this writ appeal is disposed of with the following directions;

- (i) *The order of the learned Single Judge, to the extent of holding that the Revenue Divisional Officer did not have jurisdiction to pass the impugned order, is upheld.*
- (ii) *The application of the appellant as well as the report of the Tahsildar shall be forwarded by the Tahsildar to the Joint Collector/Collector for taking up review under Section 9 of ROR Act.*
- (iii) *The scope of enquiry before the Joint Collector/Collector under Section 9 shall be restricted to the question of verifying how the name of the respondent No.1 was included in the revenue record and whether such inclusion is based on any prior claim of the respondent No.1.*
- (iv) *Any finding or proceedings initiated on the basis of this enquiry shall be subject to the result of the pending suit between the appellants and the respondent No.1.*

There shall be no order as to costs. Consequently, Miscellaneous Petitions, if any, pending in the appeal shall stand closed.

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**Sd/- M RAMESH BABU
DEPUTY REGISTRAR**


SECTION OFFICER

To,

1. The Principle Secretary, Revenue Department, State of Andhra Pradesh, Secretariat Amaravathi, Velagapudi, Guntur District, Andhra Pradesh.
2. The Joint Collector, Ananthapur, Ananthapur District.
3. The Sub- Collector and Sub-Divisional Magistrate, Penukonda, Ananthapur District.
4. The Tahsildar, Hindupur Mandal, Ananthapuram District.
5. One CC to Sri S. Krishna Reddy, Advocate [OPUC] ✓
6. One CC to Sri N. Aswartha Narayana, Advocate [OPUC] ✓
7. Two CCs to GP for Revenue, High Court of Andhra Pradesh. (OUT)
8. Three C.D. Copies.

Cnr

HIGH COURT

DATED:06/05/2025



JUDGMENT

WA.No.552 of 2025

**DISPOSING OF THE WRIT APPEAL
WITHOUT COSTS**