



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

[3233]

MONDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE B KRISHNA MOHAN

WRIT PETITION NO: 10243/2026

Between:

- 1.K ALLMEN RAJU @ THYAGARAJACHARI, S/O K.S. CHARI, AGED ABOUT 58 YEARS, R/O PLOT NO.101, NEW BALAJI COLONY, TIRUPATI. 517502
- 2.C.RAMA SUBBA REDDY,, S/O C.LAKSHMI REDDY, AGED ABOUT 56 YEARS R/O DOOR NO.13-1, MADHIPALLI VILLAGE, PUTLUR MANDAL, ANANTAPUR DISTRICT. 515001

...PETITIONER(S)

AND

- 1.THE STATE OF AP, REP. BY ITS PRINCIPAL SECRETARY, REVENUE DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT- 522238.
- 2.THE JOINT COLLECTOR, TIRUPATI DISTRICT-517501.
- 3.THE REVENUE DIVISIONAL OFFICER, TIRUPATI REVENUE DIVISION, TIRUPATI DISTRICT-517501.
- 4.THE TAHSILDAR, TIRUPATI RURAL MANDAL-517501.
- 5.V PROVE CONSTRUCTIONS PVT LTD, REP. BY ITS MANAGING PARTNER K.V.B. RAMAMOHAN RAO, S/O. BABU RAO, AGED ABOUT 49 YEARS, RESIDING AT D.NO.1-1-24/31, PLOT NO.91, ROAD NO.3N, BHAVANI NAGAR, KAPRA, HYDERABAD- 500062.

...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 an order, proceedings or writ more particularly one in the nature of Writ of Mandamus, declaring the action of the 2nd respondent in proceeding with the revision petition in Rc.D2/303/2024, in respect of land admeasuring Ac.1.48 cents in Sy.No.96/3 of Daminedu Village, Tirupati Rural Mandal, Tirupati District, by seeking to reopen settled revenue entries and adjudicate issues relating to title, despite the same being subjudice before a competent civil court in O.S. No.25 of 2024 on the file of the Vth Additional District Judge, Tirupati as illegal, arbitrary, without jurisdiction, contrary to the provisions of the Record of Rights Act and contrary to the judgement in P. Ghousia Begum vs. Basireddy Rukminamma (2013 Supreme (AP) 1237) and being violative of the principles of natural justice and Articles 14 and 300-A of the Constitution of India, and consequently, to direct the official respondents not to disturb the existing revenue entries and to maintain status quo in respect of the subject property pending adjudication of title by the competent civil court, and to pass

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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 may be pleased to stay all further proceedings in Appeal No.RC/D213031 of 2024 on the file of the respondent no.2, pending disposal of the OS No.25 of 2024 on the file of the Vth Additional District Judge at Tirupati in respect of land admeasuring Ac.1.48 cents in Sy.No.9613 of Daminedu Village, Tirupati Rural Mandal, Tirupati District, and to pass

Counsel for the Petitioner(S):

1.G V S KISHORE KUMAR

Counsel for the Respondent(S):

1.GP FOR REVENUE

The Court made the following Order:

Heard the learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue appearing for the respondent Nos.1 to 4.

2. The issuance of notice to the respondent No.5 is dispensed with as no prejudice would cause to it even if it is disposed of in its absence.

3. This writ petition is filed questioning the action of the 2nd respondent in proceeding with the revision petition in Rc.D2/303/2024 in respect of the subject land in an extent of Ac.1.48 cents in Sy.No.96/3 of Daminedu Village, Tirupati Rural Mandal, Tirupati District by seeking to reopen the settled revenue entries and adjudicate issues relating to title, despite the same being sub-judice before the competent Civil Court in O.S.No.25 of 2024 on the file of the V Additional District Judge, Tirupati, which was instituted by the 5th respondent herein and the petitioners filed their written statements therein in the suit.

4. The learned counsel for the petitioners submits that in the order of the 3rd respondent dated 10.04.2023 also it was observed that the respondent Nos.1 and 2 therein jointly sold an extent of Ac.1.18 cents (Ac.0.91 and 7 cents in Sy.No.96/3A and Ac.0.26 and 3 cents in Sy.No.96/3B) to the 2nd petitioner herein under the registered sale deed dated 15.11.2019 *vide* document No.6672 of 2019 and the purchaser was put into possession of the said extent on the date of the sale deed itself. Aggrieved by the orders

passed by the 3rd respondent dated 10.04.2023, the 5th respondent herein filed the above said revision before the 2nd respondent, which is pending for consideration.

5. The learned counsel for the petitioners further submits that since the comprehensive suit is pending, the Revisional Authority cannot proceed with the revision, in view of the judgment of the erstwhile High Court, reported in 2018 5 ALT 148, which reads at paragraph Nos.6, 7 and 8 as under:

6. *After hearing him, we are of the view that the learned Trial Judge has taken correct course of action for, in this matter, one has to decide the title first and after the decision on title is rendered, then recording of such right has to be made under the Act. In our considered view, recording the rights under the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 is not the conclusive proof of title and ownership but it merely records rights of the persons. But once recording is done followed by the issuance of pattadar passbook, the presumption in favour of holder of the passbook is that he is having right in the land in question. But in this case, the right and title of the parties concerned are seriously disputed and thus the dispute has to be resolved by the civil court, as rightly observed by the Collector concerned as well as upheld by the learned Trial Judge.*

7. *According to us, when the pattadar passbook has been issued, the same cannot be cancelled automatically unless civil court found that there is no justification for issuance of the same. The presumption of correctness in issuance of pattadar pass book in favour of the person is always in the act and action of Government. But recording is not conclusive as it may be*

corrected and rectified by the civil court. Unless a competent civil court decides the actual title of the property in favour of any person, consequential measure for issuance or cancellation of pattadar passbook does not arise. Therefore, we uphold the judgment and order of the learned Single Judge, as we do not find any illegality in the judgment.

8. The writ appeal is accordingly dismissed. No order as to cost. As a sequel to the dismissal of the writ appeal, all the interim applications shall stand dismissed.

6. On the other hand, the learned Assistant Government Pleader for Revenue appearing for the respondent Nos.1 to 4 submits that the Revisional Authority is only exercising jurisdiction under ROR Act, 1971, for the purpose of consideration of the matter on merits in the above said revision, which cannot be a bar to exercise his jurisdiction under the said Act.

7. In reply, the learned counsel for the petitioners submits that the 2nd petitioner herein has to come on record before the Revisional Authority in the place of the 2nd respondent therein as he is the subsequent purchaser, for which, necessary steps shall be taken before the Revisional Authority.

8. In view of the above said facts and circumstances, since the revision is pending before the 2nd respondent herein against the orders of the 3rd respondent dated 10.04.2023, the petitioners are permitted to file their counter/objections by filing necessary implead application insofar as the 2nd petitioner is concerned, by enclosing all the necessary documents in support of their claim and the learned counsel for the petitioners submits that the

written statements/objections are also filed by the petitioners herein before the Revisional Authority, if so, the 2nd respondent is directed to consider and dispose of the Revision Petition in Rc.D2/303/2024, strictly in accordance with law, by hearing all the parties concerned, including the petitioners and the unofficial respondent herein/respondent No.5, giving due opportunity, upon verification of the records and the subject land, appropriate decision shall be taken on its own merits as expeditiously as possible, preferably within a period of four (04) months from the date of receipt of this order. The jurisdiction of the Revisional Authority, to entertain the revision can also be raised before the said authority by the petitioners herein by substantiating all facts and law. Pending disposal of the revision, there shall be an order of *status quo* as on today to be maintained with respect to the mutation of names of the parties concerned over the subject land covered under the said revision.

9. Accordingly, this Writ Petition is disposed of. Interim order if any deemed to have been vacated. There shall be no order as to costs.

As a sequel, Interlocutory Applications pending, if any, shall stand closed.

JUSTICE B. KRISHNA MOHAN

20.04.2026
PGT