



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

[3558]

TUESDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT APPEAL NO: 1779/2013

Writ Appeal under clause 15 of the Letters Patent Appeal preferred against the order dt. 30.8.2013 passed in WP.No.24404 of 2013

Between:

1.KUNAPAREDDY VENKATESWARA RAO, KRISHNA DIST, S/O.
SURYACHANDRA RAO, AGED ABOUT 42 YEARS, R/O. 3/196-9,
PEDANA VILLAGE & MANDAL, KRISHNA DISTRICT

...APPELLANT

AND

1.JOINT COLLECTOR ADDL DIST MAGISTRATE KRISHNA DIST 3 OT,
KRISHNA, MACHILIPATNAM.

2.THE REVENUE DIVISIONAL OFFICER, BANDAR, KRISHNA
DISTRICT.

3.THE TAHSILDAR PEDANA, KRISHNA DISTRICT.

4.PARNAM VANA VENKATA NAGA MALLESWARI, W/O.
PURNACHANDRA RAO, AGED ABOUT 53 YEARS, R/O. D.NO.3-136-
9, KAPULAVEEDHI, PEDANA, KRISHNA DISTRICT.

...RESPONDENT(S):

IA NO: 1 OF 2013(WAMP 3628 OF 2013

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

stay the operation of the order dt. 30.08.2013 passed in WP.No.24404 of 2013 pending disposal of the above writ appeal and to pass

Counsel for the Appellant:

1.K A NARASIMHAM

Counsel for the Respondent(S):

1.GP FOR REVENUE

2.RAJA REDDY KONETI

The Court made the following:**ORDER:** (*Per Hon'ble Sri Justice Cheekati Manavendranath Roy*)

Assailing the order dated 30.08.2013 passed in writ petition No.24404 of 2013 of the learned Single Judge, whereby, the writ petition filed by the writ petitioner therein was allowed, setting aside the impugned order of the 1st respondent therein relating to cancellation of the pattadar passbook and title deed in favour of the writ petitioner, the present appeal is preferred by the 4th respondent in the writ petition.

2. The 4th respondent in the writ petition is the appellant in this writ appeal. We have heard the learned counsel for the appellant Mr. K.A.Narasimham and the learned Government Pleader for Revenue for the official respondent Nos.1 to 3. None appeared for respondent No.4. As respondent No.4 is not turning up for hearing in this old writ appeal of the year 2013, on 20.01.2026, we have ordered to list this matter today under the caption 'for orders'. Today also, the 4th respondent in the appeal did not turn up for hearing. Therefore, after hearing the learned counsel for the appellant and the learned Government Pleader for Revenue for the official respondent Nos.1 to 3, the present writ appeal is being disposed of.

3. The facts of the case disclose that there is a chequered history relating to the title of the parties in relation to the subject property and the entries made in the pattadar passbook and title deed relating to the said land. The land in dispute is in an extent of Ac.88 cents covered by survey Nos.643/1 and 644/3. The writ petitioner has filed the writ petition challenging the order dated 03.08.2013 of the Joint Collector of Krishna District, whereby, while exercising his revisional powers, he has directed for cancellation of pattadar passbook and title deed issued in favour of the writ petitioner. The Joint Collector has cancelled the entries in pattadar passbook and title deed on the ground that the Tahsildar, who has made the entries in the said pattadar passbook and title deed has not followed the procedure in issuing the pattadar passbook and

title deed. The Joint Collector found that the enquiry report of the Tahsildar is not produced before him to ascertain whether any procedure prescribed under law for issuing the said pattadar passbook and title deed is followed or not. The learned Single Judge has set-aside the said order of the Joint Collector by the impugned order on the ground that as the Joint Collector has relegated the party to the Civil Court for establishing their title that he is not justified in interfering with the pattadar passbook and title deed issued in favour of the petitioner.

4. When the Joint Collector was of the opinion that the pattadar passbook and title deed are liable to be cancelled on the sole ground that there is no sufficient evidence before him to ascertain whether the Tahsildar has followed the procedure prescribed under law for issuance of such pattadar passbook and title deed and on the ground that the enquiry report is also not produced before him, he ought to have called for the said record to ascertain whether the procedure prescribed for issuance of pattadar passbook and title deed is followed or not. He cannot base his verdict on assumptions and presumptions without there being any authenticated record before him to record a finding that the procedure prescribed under law for issuance of pattadar passbook and title deed is not followed. It is purely a finding based on hypothetical view taken by him.

5. Therefore, in the said facts and circumstances of the case, we are of the considered view that the matter is to be remanded to the Joint Collector, who is the 1st respondent in the writ petition, with a direction to call for the record from the Tahsildar relating to issuance of the said pattadar passbook and title deed to ascertain whether the procedure prescribed under law for issuance of the said pattadar passbook and title deed is followed or not. Since it is the only ground on which the pattadar passbook and title deed was cancelled, we are of the considered view that it is appropriate to remand the matter to him with the above direction.

6. Therefore, the impugned order of the learned Single Judge is set-aside. The matter is remanded to the Joint Collector, Krishna, at Machilipatnam, with a direction to call for the record from the Tahsildar, Pedana, relating to issuance of pattadar passbook and title deed pertaining to the land in question and ascertain whether the pattadar passbook and title deed in respect of the said land was issued by him after following the procedure prescribed under law or not and then pass appropriate orders on it, according to law. While making such an enquiry, the 1st respondent-Joint Collector shall issue notice to both the parties and to all the affected parties and hear them and provide an opportunity to them to adduce evidence in support of their contentions and then pass orders on it strictly complying with the principles of natural justice.

7. The Writ Appeal is allowed with the above direction. There shall be no order as to costs.

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

JUSTICE CHEEKATI MANAVENDRANATH ROY

JUSTICE TUHIN KUMAR GEDELA

Date: 27.01.2026
MDP