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APHC010573262023

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3332]**
(Special Original Jurisdiction)

MONDAY, THE 29th DAY OF JUNE 2026

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 29647/2023

Between:

1. C AMARANTHA REDDY, S/O.LATE C.VEMANARAYANA REDDY, AGE 55 YEARS, R/O.GUDIPALLE VILLAGE, BEERANGI B.KOTHAKOTA MANDAL, ANNAMAYYA DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, REVENUE DEPARTMENT, SECRETARIAT BUILDGINS, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT.
2. THE JOINT COLLECTOR RAYACHOTI, ANNAMAYYA DISTRICT.
3. THE REVENUE DIVISIONAL OFFICER, MADANAPALLI, ANNAMAYYA DISTRICT,
4. THE TAHSILDAR, PEDDATHIPPA SAMUDRAM, ANNAMAYYA DISTRICT.
5. K CHINNA REDDAPPA, ,S/O.MKAREPPA, AGED ABOUT 70 YEARS, PEDDATHIPPA SAMUDRAM, ANNAMAYYA DISTRICT.

...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 a Writ, Order or directions more particularly in the nature of WRIT OF MANDAMUS declaring the order dt.06.10.2023 of the 2nd respondent made in proceedings D.Dis (P2)/1367/2022 confirming the order dt.24.08.2022 of the 3rd respondent vide proceedings D.Dis.B4/6214/2012 wherein 3rd respondent cancelled Pattadar pass books and title deeds of the petitioner in respect of the property situated in Survey No.239/2 an extent of Ac.5.27 cents of sampathikota Village, P.T.M. Mandal, Annamayya District is illegal, unjust, violative of Art.14,21 and 300A of Constitution of India as well as Human Rights and the provisions of A.P. Rights in Land and Pattadar Pass Books Act, 1971 and Rules 1989 and consequently set aside the proceedings of the 2nd respondent made in D.Dis (P2)/1367/2022, dated. 06.10.2023 confirming the order dt.24.08.2022 of the 3rd respondent vide proceedings D.Dis.B4/6214/2012 and also direct the respondents to restore the Pattadar pass books and title deeds of the petitioner granted vide khata No.97 CTR No.17342 dt.09.06.2006 in respect of the property situated in Sy.No.239/2 extent Ac.5.27 cents vide Khata No.97 Sampathkota Village of P.T.M.Mandal, Annamayya District and pass such

IA NO: 1 OF 2023

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 pass such other order or orders as this Hon'ble Court deems fit and proper in expedite the hearing of the writ petition by fixing an early date and the circumstances of the case, pending disposal of the above writ petition and to pass such

IA NO: 1 OF 2026

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 vacate the interim order dated 16.11.2023 passed in IA.No.1 of 2023 in WP.No.29647 of 2023 and dismiss the writ petition and to pass such other order or orders

IA NO: 2 OF 2026

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 grant leave to the Petitioner/Respondent No. 5 in W.P. 29647 of 2023 to file the Counter affidavit and pass

Counsel for the Petitioner:

1. M VENKATA RAMANA REDDY

Counsel for the Respondent(S):

1. GP FOR REVENUE
2. VUBBARA DUSHYANTH REDDY

The Court made the following:

ORDER:

Questioning the proceedings of the 3rd respondent *vide* proceedings D.Dis.B4/6214/2012 dated 24.08.2022 as confirmed by the 2nd respondent *vide* proceedings D.Dis.(D2)/1367/2022 dated 06.10.2023, the present writ petition is filed.

2. Heard Sri M.Venkata Ramana Reddy, learned counsel for the petitioner, Sri Venkata Satya Narayana, learned Assistant Government Pleader for Revenue and Sri V.Dushyanth Reddy, learned counsel for the unofficial respondents.

3. Learned counsel for the petitioner while reiterating the contents of the affidavit filed in support of the writ petition submitted that upon the application made by the petitioner's father, the revenue authorities, taking into consideration the long standing possessing of the petitioner's father

over the property situated to an extent of Ac.5.27 cents in Sy.No.239/2 of Sampathikota Village, P.T.M.Mandal, Annamayya District, granted patta *vide* proceedings AM.No.1419/4/1380 in the year 1970, accordingly, his name was mutated in the revenue records and pattadar passbook was also issued. Pursuant to the death of the petitioner's father, the petitioner came into possession of the subject property and cultivating the same by raising crops. He further contended that when the 5^{th} respondent started to interfere with the petitioner's possession over the subject property, the petitioner filed a suit in O.S.No.218 of 2012 on the file of Additional Senior Civil Judge, Madanapalle, for permanent injunction wherein the competent civil Court granted injunction in favour of the petitioner under its decree and judgement dated 07.05.2021.

Learned counsel further contended that pursuant to the death of the petitioner's father, the 4^{th} respondent-Tahsildar issued pattadar passbook and title deed in favour of the petitioner *vide* patta No.97CTR No.17342 dated 09.06.2006. Questioning the same, the 5^{th} respondent preferred an appeal before the 3^{rd} respondent-Revenue Divisional Officer *vide* appeal No.Roc.6214 of 2012, after lapse of 6 years. Further, though the RDO has no jurisdiction or power, entertained the appeal and thereby cancelled the pattadar passbook by order dated 24.08.2022. The said order has been assailed by the petitioner before the 2^{nd} respondent-Joint Collector by way of revision under Section 9 of

Rights in Land and Pattadar Passbooks Act, 1971 (hereinafter referred to as Act, 1971). He further submitted that, despite bringing it to the notice of the Joint Collector about the power and jurisdiction of the RDO and the cancellation orders, he simply dismissed the revision in a mechanical manner by passing the impugned order dated 06.10.2023. In the said view of the fact, the orders impugned are wholly unsustainable and contrary to law.

4. In support of his contention, learned counsel for the petitioner relied on the judgement of the composite High Court in ***Ratnamma v. Revenue Divisional Officer***[1]**,** accordingly prayed to allow the writ petition.

5. On the other hand, learned Assistant Government Pleader for Revenue on counter submitted that there is neither illegality nor procedural irregularity in passing the orders impugned. If at all the petitioner has any grievance, he has to approach competent civil Court but cannot come before this Court under Article 226 of Constitution of India. He further contended that initially an assignment was granted in favour of the 5th respondent and the same was not cancelled. However, irregularly the same was assigned in favour of the petitioner's father and in the said view of the fact, the authorities have rightly cancelled. The writ

[1] 2015 (6) ALD 609 (DB)

petition is devoid of merits and liable to be dismissed, accordingly, prayed to dismiss the writ petition.

6. Sri Dushyanth Reddy, learned counsel for the respondent No.5 on counter submitted that the petitioner has not approached this Court with clean hands. If at all the petitioner has any right or title to claim over the subject property, he has to file a suit for declaration before the competent Civil Court. Both the authorities have dealt the case in a right perspective and accordingly, passed orders impugned. The petitioner has not made out any case warranting interference of this Court. The writ petition being meritless liable to be dismissed.

He further submitted that in fact earlier the revenue authorities have assigned the subject land in favor of the 5th respondent and the same is in force and the same was not cancelled. However, the petitioner is claiming the revenue authorities have assigned the land in favour of his father which cannot be taken into consideration. The same is seen even from the counter filed by the revenue authorities. Accordingly, prayed to dismiss the writ petition.

7. Perused the record and considered the submissions made by the learned counsel for the parties.

8. Petitioners and the 5th respondent are claiming assignment over the subject property. This Court is not inclined to go into the aspect

whether the revenue authorities have assigned the land in favour of the petitioners father or the 5th respondent. It is not in dispute that the revenue authorities have entered petitioner's name in the revenue records and issued pattadar passbook. Once pattadar passbook has been issued by the Tahsildar by virtue of the provisions of Act, 1971, the RDO has no power to entertain any appeal against issuance of pattadar passbook. However, the 5th respondent preferred an appeal before the RDO *vide* proceedings D.Dis:B4/6214/2012 and the same has been entertained and allowed by the RDO on 24.08.2022 setting aside the pattadar passbook issued in favour of the petitioner. Assailing the same, revision has been preferred before the Joint collector. The Joint Collector did not look into the aspect of maintainability of appeal before the RDO and power and jurisdiction of the RDO to cancel the pattadar passbook *vide* proceedings D.Dis.(D2)/1367/2022 dated 06.10.2023.

9. The judgment relied by the learned counsel in ***Ratnamma*** case referred *supra*, relevant portion reads as follows:-

> *"It is well settled that the right of appeal must find its source in legislative authority. The right of appeal accrues to the litigant when it is expressly provided for in the statute and axiomatic that the right of appeal is a substantive right and must be conferred by a statute. As already held, appeal is provided for against the original proceedings or substantive determination under Sections 4, 5 and 5-A of the Act. The Legislature in its wisdom and noticing the purpose of issuing PPB/TD did not provide right of appeal against mere issuance of PPB/TD under Section 6-A of the Act. Therefore, on the literal construction of Sections 3 to 6-A of the Act, it can be held that the remedy of appeal under Section 5(5) of the Act is not provided against the issuance of PPB/TD under Section 6-A of the Act. By treating the action under Sections 5 and 6-A of the Act as single or mutually dependent, in our*

> *considered view, the remedy of appeal against mere issuance of PPB/TD under Section 6-A of the Act is not available."*

As per the said judgement it was held that without there being any proceedings under Section 5(3) of the Act, 1971, an appeal under Section 5(5) is not maintainable and further the pattadar passbook issued in favour of any individual, cannot be questioned by way of an appeal before the Revenue Divisional Officer. Admittedly, no orders under Section 5(3) of the Act, 1971, have been passed in the present case. In view of the same, the impugned orders being illegal, ultravires are liable to be set aside.

10. By virtue of the provisions of the Act, 1971, and the judgment referred *supra*, the RDO has no power to cancel pattadar passbook. The said fact has not been dealt by the Joint Collector in right perspective. As such, this Court is inclined to dispose of the writ petition by passing the following order:

"The impugned proceedings D.Dis.(D2)/1367/2022 dated 06.10.2023 passed by the 2nd respondent confirming the proceedings *vide* D.Dis:B4/6214/2012 dated 24.08.2022 of the 3rd respondent are hereby set aside. However, the respondent authorities are not precluded to take steps in accordance with law."

11. Accordingly, the writ petition is ***disposed of***. There shall be no order as to costs.

As a sequel, miscellaneous applications, pending if any, shall stand closed.

JUSTICE RAVI CHEEMALAPATI

Date: 29th June, 2026

RKS

Whether the order is:

Speaking		Reasoned	
Reportable		Non-reportable	