

IN THE HIGH COURT OF ANDHRA PRADESH: AMARAVATI

HON'BLE MR. JUSTICE DHIRAJ SINGH THAKUR, CHIEF JUSTICE

&

HON'BLE MR. JUSTICE R. RAGHUNANDAN RAO

W.A.No.777 of 2023

Between:

Y. Bhaskar S/o. Y. Maddaiah
R/o. D.No.5-153C, Mandlem Village,
Jupadu Banglow Mandal,
Kurnool District, and another.

...Appellants

Versus

T. Satyanarayana S/o. Late Venkoji Rao,
(Died by Lrs.,) and 6 others.

...Respondents

Counsel for the appellants : M/s. OMR Law Firm

Counsel for respondents 1 & 2 : Sri J.U.M.V. Prasad

Counsel for respondents 3 to 7 : G.P. for Revenue

JUDGMENT

Dt: 12.03.2024

(per Hon'ble Sri Justice R.Raghunandan Rao)

Heard Sri O. Manohar Reddy, learned Senior Counsel representing M/s. OMR Law Firm, appearing for the appellants, Sri J.U.M.V. Prasad, learned counsel appearing for respondents 1 and 2 and learned Government Pleader for Revenue appearing for respondents 3 to 7.

2. The appellants herein had been granted D-Form pattas, in the year 2007, over an extent of Ac.10.00 in Sy.No.145 of Parumanchala Village, Jupadu Banglow Mandal, Kurnool District. Subsequently, they had also been issued pattadar passbooks and title deeds.

3. The respondents 1 and 2 herein had approached the revenue authorities by way of a representation dated 30.10.2010 for cancellation of D-Form patta issued to the appellants. The case of the 1st and 2nd respondents was that they had purchased Ac.13.20 cents of land by way of a registered sale deed dated 17.03.1958 from their vendor and that the vendor claimed title to the land on the ground that he had purchased the land in a Court auction in 1957. The schedule to the said sale deed contained this averment.

4. The Revenue Divisional Officer, Kurnool, rejected the contention of respondents 1 and 2, by his order dated 25.07.2012 and confirmed the pattadar passbooks and title deeds of the appellants. Respondents 1 and 2 preferred a revision against the said order under Section 9 of the Andhra Pradesh Rights in Land and Pattadar Passbooks Act, 1989. This revision came to be dismissed on 20.03.2013. Aggrieved by the said order, respondents 1 and 2 approached this Court by way of W.P.No.27030 of 2015.

5. The contention of respondents 1 and 2 was that the said land was a private land which had been purchased by them, under a registered deed of sale, in the year 1958 and necessary pattadar passbooks and title deeds were also issued in their favour. However, the revenue authorities, without looking into any of these documents, had proceeded to assign Ac.10.00 of land to the appellants herein and the same is impermissible. Respondents 1 and 2 rely upon the registered deed of sale of the year 1958 and the pattadar passbooks and title deeds produced by them.

6. The official respondents contended that the said land was Government land and has been recorded as a dotted land in the revenue records. The official respondents also contended that the pattadar passbooks and titled deeds produced by respondents 1 and 2 have to be rejected as they do not contain any serial number, which is mandatory for any pattadar passbook or title deed. The official respondents would also contend that the appellants herein had been put in possession of the land and had undertaken agricultural operations by investing money and labour in the said land and the respondents 1 and 2 are not in possession of the land, as claimed by them.

7. A learned Single Judge of this Court allowed the writ petition by order dated 06.12.2022. The learned Single Judge took

the view that assigned lands which are the subject matter of a mortgage and subsequent sale by a bank would cease to be assigned lands and as such the private parties can purchase such lands and become owners of the lands. This decision was rendered following the judgment of a Division Bench of this Court rendered in **The Sub-Registrar, Srikalahasti, Chittoor District and Anr., vs. K. Guravaiah and Anr.**, in W.A.No.950 of 2007.

8. Sri O. Manohar Reddy, learned Senior Counsel appearing for the appellants would submit that the said judgment is not relevant in the present case, as it is not the case of the respondents or the appellants that the assigned land had been purchased by respondents 1 and 2. He would submit that the question before this Court is whether the said land is private land as claimed by respondents 1 and 2 or whether the land is Government land, as claimed by the official respondents, which is capable of being assigned to landless poor persons such as the appellants herein.

9. A perusal of the record clearly shows that there are any number of disputes as to the claim of respondents 1 and 2. As pointed out by Sri O. Manohar Reddy, learned Senior Counsel, a registered deed of sale would not automatically confer title on any person unless it can be shown that the vendor of the said deed of

sale is the owner of the property and he has transferred his rights to the purchaser. In the present case, neither any documents showing sale by the Court nor any documents showing that the vendor of respondents 1 and 2 was the owner of the land, have been placed before this Court. On the other hand, the revenue records show that the said land has been classified as Government dotted lands. As such the view expressed by the revenue authorities, i.e., the Revenue Divisional Officer in the appeal filed before him and the Joint Collector in the revision filed before him, cannot be treated as incorrect. In such circumstances, the view of the learned Single Judge may not be appropriate.

10. Accordingly this writ appeal is allowed setting aside the order of the learned Single Judge in W.P.No.27030 of 2015 dated 06.12.2022, leaving it open to respondents 1 and 2 to demonstrate their title in an appropriate forum. There shall be no order as to costs.

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

DHIRAJ SINGH THAKUR, CJ

R. RAGHUNANDAN RAO, J

JS.

HON'BLE MR. JUSTICE DHIRAJ SINGH THAKUR, CHIEF JUSTICE

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(per Hon'ble Sri Justice R.Raghunandan Rao)

12th March, 2024

JS