



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

[3562]

FRIDAY, THE TWENTY FIRST DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

**THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI
THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA**

WRIT APPEAL NO: 1056/2025

Between:

1.Y NEELAKANTHA,, S/O.Y. NARAYANA REDDY, AGED 23
YEARS, OCC CULTIVATION R/O. ONTIMIDDI VILLAGE,
KALYANADURGAM MANDAL, ANANTAPUR DISTRICT.

...APPELLANT

AND

1.G HAMPALAH, S/O. LATE KURRA KRISTAPPA, AGED 70
YEARS, OCC CULTIVATION, R/O. ONTIMIDDI VILLAGE,
KALYANADURGAM MANDAL ANANTAPUR DISTRICT.

2.G THIPPESWAMY, S/O. GOLLA NARAYANAPPA, AGED
55 YEARS, OCC CULTIVATION, R/O. ONTIMIDDI
VILLAGE, KALYANADURGAM MANDAL, ANANTAPUR
DISTRICT.

3.G GOPAL, S/O. GOLLA NARAYANAPPA, AGED 49
YEARS, OCC CULTIVATION R/O. ONTIMIDDI VILLAGE,
KALYANADURGAM MANDAL ANANTAPUR DISTRICT.

4.G LAKSHMI KANTHAMMA, W/O. GOLLA EASWARAPPA
AGED 55 YEARS, OCC CULTIVATION R/O. ONTIMIDDI
VILLAGE, KALYANADURGAM MANDAL, ANANTAPUR
DISTRICT.

5.THE STATE OF ANDHRA PRADESH, REP.BY ITS
PRINCIPAL SECRETARY, DEPARTMENT OF REVENUE,

SECRETARIAT, VELAGAPUDI, GUNTUR DISTRICT.

6.THE JOINT COLLECTOR, ANANTAPUR, ANANTAPUR DISTRICT.

7.THE REVENUE DIVISIONAL OFFICER, KALYANADURGAM ANANTAPUR DISTRICT.

8.THE TAHSILDAR, KALYANADURAM MANDAL ANANTAPUR DISTRICT.

9.Y OBULAMMA, W/O. Y. NARAYANA REDDY, AGED 48 YEARS, OCC CULTIVATION R/O. ONTIMIDDI VILLAGE, KALYANADURGAM MANDAL ANANTAPUR DISTRICT. (RESPONDENT NO.9 IS NOT NECESSARY PARTY IN THIS APPEAL)

...RESPONDENT(S):

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 orders passed in Writ Petition. No. 32310 of 2022 dated on 22.07.2025 pending dispose the Writ Appeal

Counsel for the Appellant:

1.V V SATISH

Counsel for the Respondent(S):

1.GP FOR REVENUE

2.N CHANDRA SEKHAR REDDY

The Court made the following:

JUDGMENT: *(per Hon'ble Sri Justice Ravi Nath Tilhari)*

Heard Sri V.V.Satish, learned counsel for the writ appellant,
Sri Y.Subba Rao, learned counsel representing Sri

Chandarasekhar, learned counsel for the respondents 1 to 4 and 9 and Ms.Kotharu Vijayeswari, learned Assistant Government Pleader, appearing for the respondents 5 to 8.

2. The appellant is the 6th respondent in W.P.No.32310 of 2020. The writ petition was filed by the present respondents 1 to 4.

3. The respondents 1 to 4 herein are referred to as writ petitioners and the writ appellant as the writ appellant.

4. The name of the writ petitioners was recorded in the Record of Rights under Section 5 of the A.P.Rights in land and Pattadar Passbooks Act, 1971 (in short 'the Act No.26 of 1971'). The pattadar passbook was also issued to the writ petitioners.

5. The writ appellant filed appeal before the Revenue Divisional Officer(R.D.O) being D.Dis.No.868/2018/C3 with the following prayers:

"Therefore, the Hon'ble Joint Collector may kindly call for the lower court records and enquire the matter in detail along with record and allow the appeal in favour of the appellants against the respondents 1 to 5 by set aside the lower court order in issuing the pattadar pass book and title deed and also mutation in revenue record which in the name of the respondent 1 to 5 and award appellant cost in the interest of justice."

6. The copy of the memo of the appeal has not been filed with the record but a copy thereof has been placed before us, a copy of which has also been handed over to the other side and to which there is no dispute raised by the learned counsel for the writ petitioners. They admit that the copy is the memo of appeal. The same is taken on record.

7. A bare perusal of the prayer in the memo of appeal shows that two prayers were made in the appeal;

1) to set aside the order of Tahsildar in issuing the pattadar passbook and title deed, and also

2) the mutation in the revenue records in favour of the writ petitioners.

8. The appeal was allowed by the Revenue Divisional Officer, by order dated 22.04.2022, with the following directions:

“In the circumstances, the appeal is hereby allowed and the Tahsildar, Kalyandurg is hereby directed, to incorporate necessary changes in the revenue records by deleting the names of the respondents. The name of appellants may be incorporated in webland Adangals, granting pattadar Pass Books and title deed after submission of 6A form for mutation by Appellants and duly conducting denov enquiry as per ROR Act.”

9. Relevant part of the order of the Revenue Divisional Officer in 1st para also deserves reproduction:

“in the reference 1st cited Smt.Yellammagari Obulamma, W/o Late Narayana Reddy & Sri Yellammagari Nellakanta S/o late Narayana Reddy residents of Ontimiddi Vilage, Kalyandur Mandal through her Advocate Sri .C.Thippeswamy, Kalyandurg for cancellation of entries made in webland IB and Adangal in favour of the Respondents 1 to 5, vide 1B Khata No.704, 1046, 1047, 1048 & 1718 of Kalyandurg village for the Appeal schedule property.”

10. Challenging the order dated 22.04.2022, the writ petitioners filed the revision, which was dismissed by the Joint Collector, Ananthapuramu, vide order dated 07.07.2022 holding that the matter pertained to schedule property as per the Andhra Pradesh Dotted Lands (Updation in Re-settlement Register) Act, 2017 (in short ‘the Act, 2017’), under which read with Dotted Lands Rules the competent authority is the District Collector Level Committee and so, the Court of Joint Collector was not competent to hear the matter under the revision. Granting the liberty to the writ petitioners to file an application afresh under the Act, 2017, the revision was dismissed. Relevant part of the order dated 07.07.2022 reads as under:

“ As per RSR, the subject land in Sy.No.250 Extent 13.86 ac of Kalyandurg (v) & (m) is classified as Dotted land. Since the matter pertains to scheduled property as per RSR is Dotted land, the competent authority under Dotted Land Rules is

District Collector Level Committee. Hence, the court of Joint Collector is not competent to hear matter under revision petition.

The petitioners/respondents/interested parties are having liberty to file application afresh under Dotted Land Act, 2017 before Tahsildar. Accordingly, Tahsildar shall put up proposal for approval/rejection recommendation based on merits of the case before District Collector Level Committee. Hence the case is dismissed."

11. Challenging the order dated 07.07.2022 of the Joint Collector and the order dated 22.04.2022 of the Revenue Divisional Officer, the writ petitioners filed W.P.No.32310 of 2022.

12. Learned Single Judge has allowed the writ petition and has set aside the orders dated 07.07.2022 and dated 22.04.2022. In view of the order dated 07.07.2022, it was further provided that the respondents 5 and 6 in the writ petition (i.e the writ appellants) and the 9th respondent were at liberty to take appropriate steps in accordance with law.

13. Challenging the order of the writ Court, the present writ appeal has been filed by the writ appellants.

14. Learned counsel for the appellants submits that the appeal of the Writ appellant before the Revenue Divisional Officer was maintainable under Section 5(5) of the Act, 1971. He submits that the case of **Ratnamma v. Revenue Divisional Officer,**

Ananthapur¹ was not attracted, inasmuch as the writ appellants had challenged the mutation entries in the Record of Rights made under Section 5 of the Act No.26 of 1971 though challenge was also made to the issuance of pattadar passbook under Section 6A. He submits that the appeal against issuing of pattadar passbook under Section 6A of the Act, 1971, is not maintainable under Section 5(5) of the Act, 1971 but when the challenge was coupled with the challenge to the record of rights entry, the appeal would be maintainable under Section 5(5) of the Act, 1971.

15. Learned counsel for the writ petitioners submits that in **Ratnamma** (supra), it is clearly laid down that the appeal would not be maintainable under Section 5(5) of the Act, 1971 against the issuance of pattadar passbook and title deeds under Section 6A of the Act, 1971. So, there is no illegality in the order of the Writ Court.

16. The controversy involved in the writ appeal, is to the maintainability of the appeal of the writ appellants under Section 5(5) of the Act 26 of 1971 before the Revenue Divisional Officer,

¹ 2015(5) ALT 228 (DB)

and upon determination of such controversy depends the legality of the judgment under writ appeal.

17. The Writ Petition has been allowed on the ground that the appeal filed by the writ appellants before the Revenue Divisional Officer under Section 5(5) of the Act 26 of 1971 was not maintainable against the issuance of pattadar passbooks and title deeds, in view of the law laid down by the Division Bench of this Court in ***Ratnamma*** (supra). So, the Revenue Divisional Officer had no jurisdiction to pass the order in the appeal. The Writ Petition has been allowed on the ground that the appeal was not maintainable before the Revenue Divisional Officer under Section 5(5) of the Act 26 of 1971.

18. It was further observed that without setting aside the order of the Revenue Divisional Officer in appeal, the revisional authority could not have issued the direction to the appellants under the Dotted Lands Act.

19. We make it clear that we are not proceeding to decide the controversy on merits. We are also not entering into the claim of the either side to the subject property on merits.

20. Section 5(5) of the Act 26 of 1971 unamended, as applicable when the appeal was filed reads as under:

“Section 5 subs. by Act No. 15 of 2022, w.r.e.f. 1-1-2022. Prior to substitution it read as below:

5. Amendment and updating of Record of Rights:-(1) *On receipt of intimation of the fact of acquisition of any right referred to in Section 4, the Mandal Revenue Officer shall determine as to whether, and if so in what manner, the record of rights may be amended in consequence therefor and shall carryout the amendment in the record of rights in accordance with such determination:*

Provided that no order refusing to make an amendment in accordance with the intimation shall be passed unless the person making such intimation has been given an opportunity of making his representation in that behalf.

Provided further that when the registration is approved by the Registering Officer, the name of the claimant shall be mutated in lieu of name of the executants on real time basis provisionally in electronically maintained data duly assigning notional sub-division number as may be prescribed pending enquiry by the Tahsildar:

Provided also that the provisional mutation shall be confirmed by the Tahsildar electronically by following due procedure under sub-section (3) within thirty days of the registration. The aggrieved person may file an appeal to the Revenue Disional Officer within a period of fifteen days from the date of order of the Tahsildar and decision of the appellate authority thereon shall subject to the provisions of Section 9 be, final.

(2) *Where the Mandal Revenue Officer has reason to believe that an acquisition of any right of a description to which Section 4 applies has taken place and of which an intimation has not been made to him under that Section and where he considers that an amendment has to be effected in the record of rights, the Mandal Revenue Officer shall carry out the said amendment in the record of rights.*

(3) *The Mandal Revenue Officer shall, before carrying out any amendment in the record of rights under sub-section (1) or*

sub-section (2) issue a notice in writing to all persons whose names are entered in the record of rights and who are interested in or affected by the amendment and to any other persons whom he has reason to believe to be interested therein or affected thereby to show cause within the period specified therein as to why the amendment should not be carried out. A copy of the amendment and the notice aforesaid shall also be published in such manner as may be prescribed. The Mandal Revenue Officer shall consider every objection made in that behalf and after making such enquiry as may be prescribed pass such order in relation thereto as he deems fit.

(4) Every order passed under this section shall be communicated the person concerned.

(5) Against every order of the Mandal Revenue Officer either making an amendment in the record of rights or refusing to make such an amendment, an appeal shall lie to the Revenue Divisional Officer or such authority as may be prescribed, within a period of sixty days from the date of communication of the said order and the decision of the appellate authority thereon shall subject to the provisions of Section 9, be final.

(6) The Mandal Revenue Officer shall have the power to correct clerical errors, if any, in the Pass Books."

21. The Act was amended w.e.f. 01.01.2022 but such amendment did not affect the appellate provision, materially in Section 5. The amended provision reads as under:

"5. Amendment and updating of Record of Rights:- (1)
On receipt of intimation of the fact of acquisition of any right referred to in section 4, otherwise than by a registered document, the Tahsildar shall determine as to whether, and if so in what manner, the record of rights may be amended in consequence thereof and shall carry out the amendment in the record of rights in accordance with such determination.

(2) In the event of the Tahsildar determining that the amendment in consequence of the acquisition of right referred to in sub-section (1) above, is liable to be refused, then the Tahsildar shall transmit all the documents to the Revenue Divisional Officer with the recommendations.

(2a) The Revenue Divisional Officer, on receipt of such recommendations, shall pass an order as under, after affording an opportunity of hearing to the interested persons,

(i) Confirming the recommendations of the Tahsildar.

(ii) Disagreeing with the recommendations of the Tahsildar.

(iii) On the receipt of communication of disagreement under 5(2a)(ii), the Tahsildar shall carry out the amendment of R.O.R, as provided for under section 5(1):

Provided that the procedure for initiation and conclusion of action by the Tahsildar and Revenue Divisional Officer shall be such as may be prescribed under the Rules.

(3) In cases of acquisition of right under section 4(1) by a registered document in accordance with the provisions under the Registration Act, 1908, the R.O.R shall stand amended to reflect the said transaction.

(4) Any person aggrieved by any order passed under sub-sections (1), 2(a) and the amendment of R.O.R under sub-section (3), above may prefer an appeal before the District Revenue Officer within a period of thirty (30) days from the date of receipt of such order or amendment of R.O.R. the Appellate Authority shall dispose the appeal preferably not later than 6 months from the date of filing of such appeal.

(5) In all cases of amendment of Record of Rights in resurveyed villages, unless the acquisition of right is for the entire extent of the land parcel, it shall be mandatory to carry out sub-division of the Land parcel in the manner prescribed.

(6) The District Collector, suo motu or otherwise, shall be competent to initiate proceedings under criminal law in case any application for amendment of R.O.R under this Act is made fraudulently, or on the basis of multiple registrations by the same executant of the same land parcel.”

22. A perusal of the above quoted Section 5 shows that against every order of the Mandal Revenue Officer, making an amendment in the Record of Rights or refusing to make such an amendment, an appeal shall lie. Under the unamended Section 5(5), the Revenue Divisional Officer was the appellate authority and under Section 5(4) after amendment appeal is provided under sub-section (4) to the District Revenue Officer.

23. So, there cannot be a dispute on the legal position under Section 5(5) that an order of the Mandal Revenue Officer (Tahsildar) either making an amendment in the Record of Rights or refusing to make such an amendment was appealable before the Revenue Divisional Officer.

24. In the present case, as is evident from paras 5, 7 and 9 (supra) the appeal was filed also challenging the amendment made in the Record of Rights. It was not merely against issuance of pattadar passbook or title deeds. If the only challenge was to the

issuance of pattadar passbook or title deed, then certainly the appeal would not have been maintainable.

25. Consequently, We are of the view that the appeal before the Revenue Divisional Officer was maintainable under Section 5(5) of the Act 26 of 1971.

26. In ***Ratnamma***(supra) also the Coordinate Bench held, in para No.21, that from a bare reading of Section 5(5) of the Act, it can be held that against every order of recording authority either making amendment in the record of rights or refusing to make such an amendment, an appeal to the Revenue Divisional Officer, is provided within the time stipulated in that Section. Para 21 is reproduced as under:

“From a bare reading of [Section 5\(5\)](#) of the Act, it can be held that against every order of recording authority either making an amendment in the record of rights or refusing to make such an amendment, an appeal to the RDO, is provided within the time stipulated in the Section. [Under the Act](#), making an amendment in the record of rights or refusing to make amendment in record of rights is a crucial stage and a substantive decision rendered by the recording authority. Therefore, right of appeal is provided against such decisions. Likewise, from the reading of [Section 5\(5\)](#) of the Act, it cannot be construed that [Section 5\(5\)](#) provides remedy of appeal against orders under [Section 6-A](#) of the Act. Issuance of PPB/TD or making entries therein is always a step consequential to the record of rights prepared. Therefore the plain reading of [Section 5\(5\)](#) makes it clear that appeal against order under Section 6-A is not maintainable.”

27. A perusal of the facts in ***Ratnamma (supra)*** shows, as per para-10, that the appeal was filed against issuance of pattadar passbook. The legal objection taken was that there was no challenge to the entry in the record of rights. So in ***Ratnamma (supra)***, there was no challenge to the entry made in the Record of Rights and the only challenge was against issuance of pattadar passbook under Section 6A of the Act 26 of 1971.

28. In the present case, there is challenge also to the amendment in the Record of Rights under Section 5(1) of the Act.

29. Ms.Kotharu Vijayeswari, learned Assistant Government Pleader appearing for the official respondents 5 to 8 fairly submits that the appeal is maintainable before the Revenue Divisional Officer under Section 5(5) of the Act 26 of 1971 in view of the challenge made to the entries as well.

30. Consequently, the judgment under challenge deserves to be set aside.

31. The writ appeal is allowed. The judgment dated 22.07.2025 is set aside with the consequence that the W.P.No.32310 of 2020 filed against the orders impugned in the writ petition, stands restored to its original number for fresh decision.

32. Let the writ petition be listed before the appropriate Bench.

There shall be no order as to costs.

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

RAVI NATH TILHARI, J

SUBHENDU SAMANTA, J

Date: 21.11.2025

Note:

L.R.Copy to be marked.

B/o.

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*** THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI
THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA**

+ WRIT PETITION NO.1056/2025

% Dated: 21.11.2025

Y.Neelakantha

.....Petitioner

And

G.Hampaiah and 4 others

.....Respondents

! Counsel for the Appellant : Sri V.V.Satish

^ Counsel for the Respondents : Sri Y.Subba Rao for respondents 1 to 4 & 9,
Ms.Kotharu Vijayeswari, learned Asst.
Government Pleader for respondents 5 to 8.

< GIST :

> HEAD NOTE :

? Cases referred :

2015(5)ALT 228 (DB)

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Counsel for the Appellant : Sri V.V.Satish

Counsel for the Respondents : Sri Y.Subba Rao for respondents 1 to 4 & 9

Ms.Kotharu Vijayeswari, learned Asst.

Government Pleader for respondents 5 to 8.

DATE OF ORDER PRONOUNCED: 21.11.2025

- | | |
|--|--------|
| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be
Marked to Law Reporters/Journals. | Yes/No |
| 3. Whether Their Lordship wishes
to see the fair copy of the Judgment? | Yes/No |

RAVI NATH TILHARI, J

SUBHENDU SAMANTA, J

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI
THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

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APHC010466742025



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THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA**

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Counsel for the Appellant:

- 1.V V SATISH

Counsel for the Respondent(S):

- 1.GP FOR REVENUE
- 2.N CHANDRA SEKHAR REDDY

The Court made the following:

//TRUE COPY//

RAVI NATH TILHARI,J

SUBHENDU SAMANTA,J