**BEFORE THE HON’BLE REVENUE DIVISIONAL OFFICER: CHEVELLA DIVISION: R.R.DISTIRICT AT: CHEVELLA**

**APPEAL .NO.C/ OF 2017**

**BETWEEN:**

Yamin Hussian **… APPELLANT**

**AND**

Barla Sathaiah and otherts **….RESPONDENTS**

**WRITTEN ARGUMENTS FILED BY THE APPELLANT**

May it plaese your Honour,

1. That the appellant filed present appeal aggrieved by the orders passed by the Thasildar , Chevella Mandal, R.R. District in file No. B/ 29/ 2017 Dt. 6-04-2017 by deleting the names of the appelant to an extent of Ac.2-22 gts out of total extent of Ac.4-22 gts in Sy.No.9.

2. It is submited that lower authority has no right to rectify the entires in the revenue records nearely 35 years and only the civl court has juridisction recitfy the entires **under section 8 (2) of A.P.RIGHTS IN LAND & PATTADAR PASS BOOKS ACT 1971** as such the lower court exceeds his jucridaction and acted as civil court and passed the impugned orders with out taking in to considartion in the true facts and records.

3. **BRIEF FACTS** of the case are that originally one Barla Sayanna acquired the subject land in Sy. No.9 admeusuring Ac.5-04 gts situated at Allada Village of Chevlla Mandal, R.R. District and ceritan other lands. That Barla Sayanna blessed with two sons namely Barla Buchaiah and Barla Mallaiah and after death of Barla Sayanna being the legal hiers his sons 1. Barla Buchaiah and 2. Barla Mallaiah succeeded the lands acquired by the Baral Sayanna .

4. It is submited that Barla Buchaiah died leaving behind three sons Namely 1.Barla Yellaiah 2. Barla Sayanna (Respondent.No.5 ) and 3. Barla Jangaiah (Respondent No.6) Thus the share of the Barla Buchaiah devolved on his three sons. Accordingly succession was granted in favour of the heirs of the Barla Buchaiah and Barla Mallaiah in the year 1979-1980 through Paisal Patti.. That it seems after passing the jama bandi an oral understanding and family arrangement took place among the heirs Barla Buhaiah and Barla Mallaiah and as per the oral arrangement the land in Sy. No.9 admeasuring A.5-04 gts which is subject land fell to the share of the Barla Mallaiah and Land in Sy.No.7 admeasuring A.2-17 gts fell to Respondents No.5 and 6 and Barla Sayanna who are the sons of the Barla Buchaiah and they are cultivating the said lands. The said arrangement was took place way back in the year 1981-82 and since then Barla Mallaiah was in continuous possession of the subject land bearing Sy. No.9 admeasuring A.5-04 gts without any interruption what so ever and the name of the Barla Mallaiah was entered in the revenue records as pattadar and possessor to the above effect and the same is clearly evident from the revenue records.

5. It is submitted that being the pattadar and possessor of the land bearing Sy.No.9 admeasuring Ac.5-04 gts, Barla Mallaiah sold the land to an extent of Ac.2-03 gts in fvaour of Chilkuri Ramaiah under registered sale deed bearing Doc. No. 2079/1986 Dt. 6-09-1986 and Barla Mallaiah also sold land to an extent of Ac.2-19 gts in favour of the Nadipelli Ananthamma under registered sale deed bearing No. 1143/1989 Dt. 12-06-1989. In turn the Chilkuri Mallaiah sold his purchased land to an extent of Ac.2-03 gts in favour of Sama Boji Reddy under registered sale deed bearing No.1671/2002 and being the owners Sama Boji Reddy and Nadepally Ananthamma jointly sold the lands to 1.Mujahid Hussain 2. Irfan Hussain and 3. Yamin Hussain to an extent of Ac.4-22 gts under registered sale deed bearing doc. No 3688/2003 Dt. 2-08-2003. Subsequently Mujahid Hussain and Irfan Hussian relinquished and surrender their rights accrued by virtue of sale deed bearing doc.No3688/2003 Dt. 2-08-2003 in favour of the Yamin Hussian(appellant herein) and thus the Yamin Hussain become exclusive owner of the land to an to extent of Ac.4-22 gts out of Sy.No.9 and the appellant is in possession of the said land in the capacity of absolute owner to the knowledge of entire village and more particularly to the knowledge of the respondents.

6. It is submitted that later Barla Mallaiah died leaving behind his son namely Barla Sayanna and being the son Barla Sayanna succeeded the remaining extent of land Ac.0-22 gts out of Ac.5-04 Gts in Sy.No.9 and sold the same to Dr.Pramod Shanker Rao Shinde under registered sale deed bearing Doc.No.4751/2002 Dt.3-04-2002 and Dr. Pramod Shanker Rao Shinde is in possession of the land purchased by him and thus the entire land of Barla Mallaiah sold to the appellant and Dr.Pramod Shanker Rao Shinde under the above referred sale deeds and the same sale deeds are herewith filed for kind perusual of this Hon’ble Authority.

7. It is submitted that as stated above the land in Sy. No.7 admeasuring Ac.2-17 gts fell to the share of heirs Barla Buchaiah and cultivating the same and he died leaving behind the respondents No.5 and 6 and Barla Yellaiah, who predeceased the respondents No.1 to 4 and they partitioned the said lands and the same is clearly evident from the revenue records . Being the owners the respondents 1 to 4 and 6 sold the land to an extent of Ac.1-25 gts in favour of the Dr.Pramod Shanker Rao Shinde under registered sale deed bearing doc.No1309/1998 Dt. 17-07-1998 and the remaining land to an extent of Ac.0-32 Gts also is sold by the respondent No.5 in favour of the CH.Janardhan Reddy under registered sale deed bearing doc.No.222/1997 Dt. 10-02-1997 and the heirs of Barla Buchaiah sold the entire of land to extent of Ac.2-17 gts in favour of the Dr.Pramod Shanker Rao Shinde and Ch. Janardhan Reddy and the land in Sy.No.7 and subject land in Sy.No. 9 already sold by the legal heirs of Barla Buchiah and Barla Mallaiah respectively and no piece of land is in possession of the respondents.

8. It is submitted that the respondents are claiming the subject land on the basis of alleged Paisal patti for the year 1979-80 and POUTHI KAMMA and POUTHI EJAFA and if the contention of the respondents are true and taken in to consideration, the respondents No.1 to 6 have no right to execute the sale deeds in respect of total extent of Sy.No.7 as the Barla Mallaiah is half share holder. That by executing the sale deed the respondents lost their rights if any over the subject land and the presumption is that the subject land exclusively belongs to the Barla Mallaiah, who is the venodr of the appelant and there is an understanding to the said effect and the entries made in the revenue records are correct and the same are not challenged till 2017 i.e nearely 35 years.

9. It is pertinent to mention here that the respondents No.3 Barla Naga Raju is one of the attesting witness to the sale deed bearing Doc.No.4751/2002 Dt.3-04-2002 executed by the son of Barla Mallaiah namely Barla Sayanna in favour of the appellant in respect of subject land Sy.No.9 to an extent of Ac.0-22 gts. That if really the respondents have any right the question of the attesting the sale deed by the respondent No.3 does not arise. That by alienting the entire land in Sy.No.7 and by attesting the sale deed of the Shinde, the respondents have no right to claim the subject land. More over no point of time the respondents raised any objection when the Baral Malliah alienating the lands to the vendors of the appellant . All the above acts crystal clears that there is some family arrangement between them as such they kept quite all these days and the same estopped the respondents from claiming the subject land till this day . That all of sudden due to hike in the real estate by taking un due advantage of alleged Jama Bandi filed the petition before the lower authority on the ground of innocence after abnormal delay of 35 years to rectify the entries.

10. The Lower authority utterly failed to appreciate the sale deeds executed by the respondents in respect of the Sy.No.7 which is contrary to the alleged Jama bandi and by suppressing the same from the same mouth they are illegally claiming the subject land as if they are share holders in the subject land, such the impugned order is illegal and contrary to the law and liable to be set aside.

11. The Lower authority should have seen that the lands in Sy.No. 9 recorded in the name of the vendors of the appellants i.e. Barla Mallaiah in the revenue records and he has been in cultivation and enjoyment as per their family arrangement as such the impugned order is liable to be set aside

12. The Lower authority utterly failed to found the names of the petitioner in the revenue records at any point of time as such the impugned order is liable to be set aside..

13. The Lower authority utterly failed to appreciate that the succession of the respondents is in dispute and the succession cannot decided in summery procedure and the civil court only power to decide the same and already the Lower authority after due enquiry passed the granted the mutation in favour of the appellants and contrary to the same the Lower authority passed the impugned order as such the Lower authority has no right to reverse his own orders unless and until the same was set aside by this Hon’ble Authority, as such the impugned order is liable to be set aside.

Therefore it is prayed that this Hon’ble court be pleased to allow this appeal and set aside the impugned orders passed by the Thasildar , Chevella Mandal, ,R.R. District in file No. B/ 29/ 2017 Dt. 6-04-2017 and restore the entries of the appellants in respect of land bearing Sy. No. 9 Admeasuring Ac. 2-22 Gts Situated Allada Village Chevella Mandal R.R. District and pass such other order or orders as this Hon’ble court deems fit and proper in the interest of justice.

**PLACE: CHEVELLA**

**DATE: /06/2018 COUNSEL FOT THE APPELLANTS**

**BEFORE THE HON’BLE REVENUE DIVISIONAL**

**OFFICER: CHEVELLA DIVISION R.R.DISTRICT**

**AT: CHEVELLA**

**APPEAL.NO.C/ OF 2017**

**BETWEEN:**

Yamim Hussain

**… APPELLANT**

**AND**

Barla Sathaiah and others

**… RESPONDENTS**

**WRITTEN ARGUMENTS FILED BY THE APPELLANT**

**FILED ON :: -06-2018**

FILED BY ::

**C.RAVISHANKER GOUD**

## Advocate

**COUSNEL FOR THE APPELLANT**