

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA
PRADESH

* * *

WRIT PETITION No. 26288 of 2015

BETWEEN

B.Subba Rao

... PETITIONER

AND

The State of Telangana, Rep. by its Principal Secretary,
Revenue Department and others

...RESPONDENTS

Date of Order pronounced: 19.08.2015

SUBMITTED FOR APPROVAL:

-

-

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

- | | |
|--|--------|
| 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 his Lordship wish to see the
fair copy of the Judgment? | Yes/No |

-

-

ORDER:-

Heard.

2. Petitioner questions the show cause notice issued by the Joint Collector, third respondent, in *suo motu* registering a revision under Section 9 of the A.P. Rights in Land and Pattadar Passbooks Act, 1971. The said case is numbered as Case No.D5/4183/2015 dated 31.07.2015, wherein the Joint Collector has issued notice to the petitioner to show cause.

3. Learned senior counsel appearing for the petitioner questions the notice and particularly the order passed therein keeping the impugned order of the District Collector and the Tahsildar in file No.B/791/2012 dated 22.06.2012 relating to survey No.57 admeasuring Ac.7-00 guntas in Shamshiguda Village, Balanagar Mandal, under suspension. Learned senior counsel states that in all the said proceedings, Government was a party and as such it is not open for the Joint Collector to entertain the *prima facie* doubt about the orders passed by this court basing on which the District Collector and the Tahsildar issued the impugned proceeding. Learned counsel, therefore, urges this court to suspend the order of suspension passed by the Joint collector.

4. I am not inclined to accept the request and the contention of the learned senior counsel as the third respondent has, in any case, power to initiate *suo motu* proceedings to satisfy himself that the sub-ordinate Revenue authority has acted in accordance with law while passing the impugned order. It is true that the impugned notice records *prima facie* conclusions of the revisional authority, but they are only *prima facie* conclusions, which are obviously *ex parte* and recorded without hearing the petitioner. The petitioner is at liberty to respond to the said notice in the *suo motu* revision and file his objections and also shall be entitled to seek that the order impugned dated 22.06.2012 is not required to be kept under suspension pending consideration of the revision. On such objections being raised by the petitioner, the learned Joint Collector, third respondent, shall fix a date for hearing, hear the petitioner, and then pass appropriate order with regard to the interim suspension ordered by him and thereafter shall also

hear and determine the revision petition on its own merits in accordance with law.

With the above direction, the writ petition is disposed of.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

August 19, 2015

LMV