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

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 19260 of 2004

Date: 27.01.2015

Between:

V.P.R. Varadarajan.

… Petitioner

And

Revenue Divisional Officer, Rajampet,
Kadapa District & others.

… Respondents

This Court made the following:

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 19260 of 2004

ORDER:

The Revenue Divisional Officer, Rajampet, issued notice dated 23.09.2004 calling upon the petitioner to appear before him for hearing a petition seeking review of the order dated 04.12.2003 passed by him in exercise of appellate powers under Section 5(5) of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (for brevity, the Act of 1971).

Admittedly, the appellate authority had passed the order dated 04.12.2003 after hearing all the parties concerned and directed *de novo* enquiry by the Mandal Revenue Officer, Kodur. While so, it appears that the 3rd respondent herein filed a petition seeking review of the said order and having taken the same on file, the Revenue Divisional Officer, Rajampet, issued the impugned notice dated 23.09.2004. Contending that the said authority had no such power of review, the petitioner filed the present writ petition.

This Court, by order dated 14.10.2004, opined that the Revenue Divisional Officer, Rajampet, did not have the review power under the statute and granted interim stay of further proceedings pursuant to the impugned notice.

Despite service of notice, the 3rd respondent has not chosen to enter appearance and no counter affidavit is filed by the Revenue Divisional Officer, Rajampet, explaining the legal source and basis for the impugned notice. Perusal of the provisions of the Act of 1971 manifests that the appellate authority is not vested with the power of review. It is the settled legal position that unless specifically created by statute, review power is not inherent in any authority. In that view of the matter, the endeavour of the Revenue Divisional Officer, Rajampet, to exercise review power by issuing the impugned notice is not legally sustainable. The impugned notice dated 23.09.2004 is accordingly set aside. It shall be open to the parties to take steps pursuant to the order dated 04.12.2003, if the same has not been upset in subsequent proceedings.

The writ petition is allowed to the extent indicated above.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

Date: 27.01.2015
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