

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 6159 of 2011

ORDER:

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Heard learned counsel for the petitioners and Government Pleader for Revenue.

The present writ petition came to be filed seeking issuance of writ of certiorari declaring the proceedings issued by respondent No.1 in D.Dis.No.D4/5672/2009, dated 20.12.2010, which was confirmed by respondent No.2 in Dis.No.D2/114/2009, dated 29.08.2009, as illegal, arbitrary and to quash the same; and consequently to direct the respondents to confirm the pattadar pass book issued in favour of the petitioners in respect of land admeasuring Ac.5.61 cents in Sy.No.232, Ac.1.83 cents in Sy.No.263 and Ac.0.04 ½ cents in Sy.No.74/1-A-AC of Alamuru Village, Ananthapur Mandal and District.

The averments in the affidavit filed in support of the writ petition are as under:

The petitioners made an application for issuance of pattadar pass books and title deeds in respect of land admeasuring Ac.5.61 cents in Sy.No.232, Ac.1.83 cents in Sy.No.263 and Ac.0.04 ½ cents in Sy.No.74/1-A-AC of Alamuru Village, Ananthapur Mandal and District, by canceling the pattadar pass books issued in favour of respondent Nos.4 and 5, who obtained the same in fraudulent manner. It is further stated that the Tahsildar, Anantapur, submitted a detailed report and basing on the said report, the Revenue Divisional Officer, Ananthapur, after issuing notice to the above said persons and after conducting enquiry, cancelled the pattadar pass books by an order dated 02.01.2009. Aggrieved by the same, respondent Nos.4 and 5 preferred revision before respondent No.1, who remanded the matter back to the Revenue Divisional Officer. It is said that, without verifying the factual aspects and by ignoring the entire material on record, the Revenue Divisional Officer dismissed the appeal. Aggrieved by the same, the petitioners preferred revision before respondent No.1, who confirmed the order passed by respondent No.2 without assigning any reasons. Challenging the same, the present writ petition is filed.

A counter is filed by respondent No.3 denying the averments made in the

affidavit filed in support of the writ petition apart from narrating the facts as to how the petitioners are not entitled for issuance of pattadar pass books.

It is to be noted that though the order of Joint Collector, which is subject matter of challenge, does not anywhere indicate reasons for coming to such conclusion, but after referring to the facts of the case; orders passed by the authorities earlier; and also referring the arguments advanced, the Joint Collector held as under:

“I have perused the arguments of the both advocates and after perusal of records I agree with the decision taken by the Revenue Divisional Officer, Anantapur, dated 02.11.2008, that it is a disputed land and after lapse of 60 years the issue cannot be examined now and rightly directed the petitioners to approach the Civil Court for declaration of title. This Court has no jurisdiction to decide on the title pertaining to patta lands. I find no reason to interfere with the orders of the Revenue Divisional Officer, Anantapur, dated 02.11.2008 and the revision is disposed of accordingly.”

Learned counsel for the petitioners mainly submits that the order passed by the Joint Collector (respondent No.1) is bereft of reasons and as such the same needs to be set-aside.

Learned Government Pleader for Revenue submits that though reasons are not given but the conclusions arrived at by the Joint Collector, warrants no interference.

In spite of service of notices there is no representation on behalf of respondent Nos.4 and 5 and no counter is filed.

It is to be noted that though the learned counsel for the petitioners raised various grounds before the Joint Collector, the same were not considered by the Joint Collector. It is clear case where the Joint Collector came to the conclusion without referring to the material on record. The order is bereft of any reasons. In view of the above, the order under challenge is set-aside and the matter is remanded back to the Joint Collector, Anantapur, to pass a detailed order after giving notice and after hearing both the parties.

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

No order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

27.11.2015

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