

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.12288 OF 2015

ORDER:

This writ petition is filed by the petitioners challenging the Memo dated 24.12.2014, issued by the 2nd respondent-District Collector, by rejecting the application dated 04.11.2013, of the petitioners on the ground that they have no title or possession over the subject land.

It is the case of the petitioners that the dispute relating to the validity of Sada Sale Deed and the rights of the parties are the subject matter of the appeal before the 3rd respondent-Revenue Divisional Officer, in Appeal No.D/4825 of 2014, filed by the 2nd petitioner herein on 24.10.2014. The grievance of the petitioners in their joint complaint submitted to the 2nd respondent-District Collector is only confined to making of constructions by the 5th respondent in the site in Sy.Nos.300 and 315, Kondagadapa Village, Mothkur Mandal, Nalgonda District and the 2nd respondent had decided the validity of the Sada Sale Deeds on which reliance has been placed by the respondent Nos.3 and 4.

Heard Sri Y. Subba Reddy, learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue (T.G).

A perusal of the representation dated 04.11.2013 of the petitioners, would reveal that the petitioners made a complaint to the 2nd respondent-District Collector and the said complaint is not based on any right conferred in any enactment. Further, it is a sort of representation of the petitioners ventilating out their grievance. In normal circumstances, the 2nd respondent-District Collector, ought to have rejected simplicitor without expressing any opinion. However, when the application submitted by the petitioners ventilating their grievance about the subject land, the 2nd respondent-District Collector, appeared to have called for the information from his subordinate officers and based on the information furnished to him, the application of the petitioners dated 04.11.2013, was rejected. In rejecting the representation filed by the petitioner, the 2nd respondent was not exercising any statutory power.

It is also seen from the record that the 4th respondent-Tahsildar, passed an order dated 23.09.2014, on the application filed by the 5th respondent, herein seeking correction of the entries in the revenue records and issuance of the pattadar pass books. In the said order, the 4th respondent-Tahsildar, while exercising the powers vested on him, under Sections 3 and 6-A(3) of the Rights in Land & Pattedar Pass books Act, 1971 (for short, "the Act") had directed the petitioners to submit the original pass books and title deeds for correction of entries. Aggrieved by the said order petitioners filed an appeal before the 3rd respondent-Revenue Divisional Officer under Section 5-B of the Act and the said appeal is said to be pending. In the light of the appeal pending before the 3rd respondent-R.D.O against the order dated 23.09.2014, passed by the 4th respondent-Tahsildar, the observations made by the 2nd respondent-District Collector in the memo dated 24.12.2014, are likely to prejudice the case of the petitioners. Considering the fact that the memo dated 24.12.2014, issued by the 2nd respondent-District Collector, is not traceable to any statutory power, the assertions made by him cannot be taken into consideration by the appellate authority-R.D.O in deciding the appeal filed by the petitioners. The said memo is only required to be viewed as expressing the inability on the part of the 2nd respondent-District Collector to redress the grievance as made out by the petitioners in their representation dated 04.11.2013. Hence, both the representations as well as the memo are mis-conceived.

In the circumstances and in the facts of the present case, the 3rd respondent-R.D.O, shall consider the appeal dated 24.10.2014 filed by the petitioners under Section 5-B of the Act and dispose of the same, in accordance with law, by uninfluenced with any of the observations made by the 2nd respondent-District Collector in the Memo dated 24.12.2014.

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

Miscellaneous Petitions, if any pending in this writ petition shall stand closed.
No order as to costs.

CHALLA KODANDA RAM,J

Date:24.04.2015.

Gk.

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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