

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WRIT PETITION No.34301 OF 2015

ORDER:

The petitioner questions the report of the 3rd respondent/Revenue Divisional Officer, Chittoor sent to the 2nd respondent vide his proceedings No.E/6581/2014, dated 14.07.2015, wherein he recommended cancellation of DKT patta granted to him on the ground of mistake of fact.

The petitioner questions the said order on merits as well as on the ground that he had submitted a detailed reply on 27.12.2014 to the notice dated 10.12.2014 issued by the 3rd respondent. However, while sending the impugned report, the 3rd respondent wrongly mentioned that the petitioner has not submitted any reply.

Even after hearing the learned counsel for the petitioner at length, I am unable to see the cause of action for approaching this Court, inasmuch as the said report is an internal report sent by the 3rd respondent to the 2nd respondent. The said report neither decided the rights of the petitioner nor his conclusive right and it is for the 2nd respondent to consider the said report and take appropriate decision in the matter. It is trite that the 2nd respondent can call for report from the subordinate officers and after examining the same take his own independent decision. Hence, merely because, the report sent by the 3rd respondent to the 2nd respondent making recommendations against the petitioner is not a ground to permit the petitioner to challenge the said report.

Since the petitioner states that he has already submitted explanation to the 3rd respondent on 27.12.2014, he is at liberty to submit additional representation before the 2nd respondent mentioning his grievance against the 3rd respondent and the 2nd respondent shall examine the matter in the light of the report of the subordinate by taking into consideration the explanation of the petitioner and take appropriate decision.

In view of the above direction, the writ petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions pending in this writ petition, if any, shall stand closed.

VILAS V.AFZULPURKAR, J

14.10.2015

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