

HON'BLE SRI JUSTICE SANJAY KUMAR

Writ Petition No.18945 of 2004

Date: 27.01.2015

Between:

K. Gangireddy & another

... Petitioners

And

The Revenue Divisional Officer, Rajampet, Kadapa District
& another

... Respondents

* * *

HON'BLE SRI JUSTICE SANJAY KUMAR

Writ Petition No.18945 of 2004

ORDER:

By way of this writ petition, the petitioners assailed the action of the Revenue Divisional Officer, Rajampet, Kadapa District, in issuing notice dated 07.10.2004 calling upon them to appear before him for deciding a title dispute in respect of the land in Sy.No.810/1 of Mannur village.

2. This Court, by order dated 13.10.2004, opined that the impugned notice was not traceable to any statutory power and that the Revenue Officer was not entitled to decide rival title claims of parties in the absence of such statutory power. This Court accordingly granted interim stay of further proceedings pursuant to the impugned notice.

3. No counter-affidavit has been filed by the Revenue Divisional Officer, Rajampet justifying his attempt to settle a title dispute. The

complainant before the Revenue Divisional Officer, Rajampet, was impleaded as the 2nd respondent in this writ petition subsequently. However, the writ petition was dismissed for default as against the 2nd respondent on 29.12.2010.

4. In any event, the impugned notice demonstrates that it was the endeavour of the Revenue Divisional Officer to settle the title dispute between private parties. No such power is vested in the Revenue Divisional Officer by any statute. In the absence of such power, the Revenue Divisional Officer, Rajampet, could not seek to exercise such judicial power. The impugned notice dated 07.10.2004 is therefore unsustainable in law and is accordingly set aside.

5. The writ petition is allowed. Pending miscellaneous petitions, if any, shall also stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

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