

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

Writ Petition No.8129 of 2015

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ORDER:

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The petitioner challenges the order dated 22-11-2013 passed by the Revenue Divisional Officer-cum-Sub Divisional Magistrate, at Manthani, the 2nd respondent herein, wherein he cancelled the pattadar pass books and title deeds in respect of the lands in question. It is the precise case of the petitioner that the parties before the

2nd respondent, i.e. respondents 4 to 6 herein (Appellant and respondents before RDO), have played fraud and obtained orders behind his back, taking advantage of the fact that he resides in far off place, i.e. Godavarikhani, due to his employment in Singareni Collieries. It is the case of the petitioner that he is the owner of the land in Sy.Nos.398 and 399 to an extent of Ac.1.05 guntas and Ac.2.35 guntas respectively, situated at Odedu Sivar Village, Muttharam Mandal, Karimnagar District. Inasmuch as it is an allegation of fraud and misrepresentation by the respondents 4 to 6 herein, the same is capable of being corrected by the revisional authority, under Section 9 of the A.P. Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act'). Section 9 reads as under:

Sec. 9. Revision:- The Collector may either *suo motu* or on an application made to him, call for and examine the record of any Recording Authority, Mandal Revenue Officer or Revenue Divisional Officer under Sections 3, 5, 5A or 5B, in respect of any record of rights prepared or maintained to satisfy himself as to the regularity, correctness, legality or propriety of any decision taken, order passed or proceedings made in respect thereof and if it appears to the Collector that any such decision, order or proceedings should be modified, annulled or reversed or remitted for reconsideration, he may pass orders accordingly.

Provided that no such order adversely affecting any person shall be passed under this section unless he had an opportunity of making a representation”.

The Collector exercises revisional jurisdiction, and particularly he is empowered to satisfy himself as to the legality or otherwise of any decision taken or order passed, considering the vide powers, under Section 9 of the Act. Therefore, it is a fit case where the petitioner may be directed to avail the remedy under Section 9 of the Act.

The learned Government Pleader for Revenue raises objection with regard to the revision to be entertained, in view of the limitation.

In case where the petitioner is not made a party, and orders have been obtained effecting his rights, the question of limitation does not arise. It is the date of knowledge, which the petitioner came to know about the order, and that would be the date, from which he would be entitled to the remedy. At any rate, Section 9 of the Act does not, by itself, prescribe any limitation. The predominant opinion is that, as long as the aggrieved person approaches the revisional authority within a reasonable time, the authority is bound to exercise the power conferred upon it, to correct the anomalies, if any, and to redress the grievance of the parties.

Accordingly, there shall be a direction to the revisional authority, i.e. the District Collector, Karimanagar, to take up the revision, that may be filed by the petitioner herein, and dispose of the same within a reasonable time, preferably within a period of three months from the date of filing it; after issuing notice to the parties concerned.

The writ petition is accordingly disposed of.

The miscellaneous petition filed in the writ petition shall also stand disposed of.
There shall be no order as to costs.

CHALLA KODANDA RAM, J.

Dt.26-03-2015.

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