

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH

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WRIT PETITION No.38740 of 2015

BETWEEN

D.V.S.R. Ranga Varma and others.

... PETITIONERS

AND

The Joint Collector – I, Ranga Reddy District at Hyderabad and others.

...RESPONDENTS

DATE OF JUDGMENT PRONOUNCED: 30.11.2015

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

1. Whether Reporters of Local newspapers may be No
allowed to see the Judgments?
2. Whether the copies of judgment may be marked No
to Law Reporters/Journals?
3. Whether Their Ladyship/Lordship wish to see the No
fair copy of the Judgment?

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ORDER:

Against an order of mutation granted in favour of the petitioners in File No.B/816/2012 dated 06.06.2012, a *suo motu* revision is entertained by the first respondent under Section 9 of the A.P. Rights in Land and Pattadar Passbooks Act, 1971 (for short 'the Act').

The, *prima facie*, opinion of the first respondent is expressed in the impugned order dated 31.07.2015 and pending further orders, the said mutation proceedings is suspended until the next date of hearing.

2. Learned senior counsel for the petitioners questions the very exercise jurisdiction under Section 9 of the Act by the first respondent, *inter alia*, on the ground that the exercise of power appears to have been undertaken, as only Government interest is involved in the land, in question and proposes to ignore the final decree granted by this Court in favour of the petitioners in Appl.No.459 of 2009 in C.S.No.7 of 1958 dated 30.12.2011 to which the District Collector, Ranga Reddy District and Mandal Revenue Officer, Balanagar are also impleaded as defendants 256 and 257. Learned senior counsel, therefore, states that, in any case, the first respondent cannot sit in judgment over the final decree granted by this Court, as aforesaid and the exercise of power under Section 9 of the Act is neither warranted on facts nor on law and in any case, as there is suspension of the said mutation proceedings.

3. I have considered the said contentions keeping in view that the Joint Collector has power under Section 9 of the Act to call for, examine and satisfy himself of any proceeding or order passed by any of the subordinate authorities under the Act. At this preliminary stage, I

am not inclined to exercise extraordinary jurisdiction to interdict the initiation of said *suo motu* under the impugned order and in any case, interim order passed by the Joint Collector is only until the next date of hearing.

4. It is represented that the revision is now posted for hearing on 15.12.2015 and the petitioners have already appeared before the Joint Collector through their counsel.

5. In view of that, it is open for the petitioners to file their counter, urge all the grounds which they decide to urge against the said proceedings including their contention that exercise of jurisdiction under Section 9 of the Act is not warranted and also seek vacation of the interim order. On the next date of hearing, the first respondent shall hear the petitioners and pass appropriate orders to the extent of the application of the petitioners for vacation of interim relief and thereafter, hear the petitioners on a date fixed and decide the revision petition itself on merits.

The writ petition is disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

November 30, 2015

DSK