

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.15145 of 2015

ORDER:

Heard.

The question urged in this writ petition is limited. Hence, the writ petition is being heard and disposed of at the admission stage.

One Aketi Ramchandra Reddy and four others, who are now represented as respondents 5 to 9 in this writ petition, had filed an appeal before the 3rd respondent seeking correction of entries in the revenue records with respect to the land admeasuring Ac.4-00 cents in Sy.No.248 of Bandaraviryala Village, Hayathnagar Mandal, Ranga Reddy District. The father of the petitioner herein was respondent in the said appeal. The said appeal was allowed by order dated 31-07-1993 directing correction of entries by deleting the name of the petitioner's father in the record of rights from 1979-80 onwards. Aggrieved thereby, the petitioner filed revision before the 2nd respondent under Section 9 of the A.P.Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act'). The said revision has since been dismissed under the impugned order, dated 08-01-2015 on two grounds namely

1) The appellate authority has passed order on 31-07-1993 i.e., before amended Section 9 of the Act came into force and prior to the amendment of Section 9 of the Act, there was no provision of filing revision before the Joint Collector and as per the decision of this Court reported in 2002 (5) ALD 398, the Joint Collector cannot exercise revisional powers prior to commencement of the amended Act. In view of that, the revision was held incompetent.

2) The 2nd respondent while confirming the order of the 3rd respondent, on merits, observed in the last paragraph of the impugned order, as follows :-

"In the light of above observation and discussion of records I do not find any valid reasons to interfere with the orders passed by the RDO, Hyd., East Division passed in File No.L/7041/86, dated 31-07-1993 for correction of

entries in ROR 1979-80 by deleting the name of the revision petitioner against Sy.No.248 to the extent of Ac.4.00 of direct the concerned authority to incorporate the name of the petitioner in Pattedar & Possessor column (3) to issue Pattedar Pass Book & Title Deed in favour of the petitioner in respect of Ac.4.00 out of Ac.8.00 in Sy.No.248 of Bandaraviryala Village, Hayathnagar Mandal, and the said orders were passed before the commencement of the amended Act 1994 to which no revision lies. Therefore the said orders of the RDO, Hyd. East Division dated 31-07-1993 have become final and the same are upheld. In the result, the revision petition is dismissed being devoid of merits.”

The grievance of the petitioner is with regard to the second ground, referred to above, wherein on merits, the 2nd respondent confirmed the order of the 3rd respondent.

It is obvious that when the 2nd respondent observed that he has no revisional power of entertaining the revision, obviously he could not have given any finding on merits of the revision filed against the order of the 3rd respondent.

Learned counsel for the petitioner, therefore, has made submissions only with regard to the findings given by the 2nd respondent on merits of the matter. The said contention is clearly tenable as having held that the 2nd respondent has no jurisdiction, any finding on merits by the very same authority was inconsistent and not called for, as even such finding was also being without jurisdiction.

Hence, the impugned order of the 2nd respondent herein is modified by deleting the findings on merits contained in the impugned order and confirming the order of the 2nd respondent to the extent that the revision is not maintainable against the order of the appellate authority, dated 31-07-1993.

Accordingly, the writ petition is disposed of. No order as to costs.

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

VILAS V.AFZULPURKAR, J

Date: 02-06-2015

Prv

