

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WRIT PETITION No.40777 OF 2015

ORDER:

Heard learned Senior Counsel for the petitioner and learned Government Pleader for Revenue.

A Revision filed by the petitioner under Section 12-A of the Andhra Pradesh Land Encroachment Act, 1905 (for short, 'the Act') is rejected under the impugned order on the ground that the said revision is filed after three years and is not admissible under the Act.

Learned Senior Counsel for the petitioner states that the revision was in fact filed on 13.08.2012 and even otherwise there is no limitation prescribed for exercising revisional jurisdiction.

The revision, as aforesaid, was preferred by the petitioner under Section 12-A of the Act, which reads as under:

“12-A. Power of Government to call for records and pass orders:-

- (1) The State Government may, in their discretion, at any time, either suo motu or an application made to them, call for and examine, the records relating to any decision or order passed or proceeding taken by any authority or officer subordinate to them under this Act for the purpose of satisfying themselves as to the legality or propriety of such decision or order, as to the regularity of such proceeding and pass such proceeding and pass such order in reference thereto as they think it.”

It is evident from the above that the legal position is not in controversy. There is no limitation prescribed and the power under the aforesaid provision can be exercised at any time. Hence, the rejection of the revision petition under the impugned order on the ground that it

is barred by limitation is, in any case not sustainable.

Hence, the impugned order is set aside and the revision is remitted. The 1st respondent shall now examine the revision petition filed by the petitioner on merits after notice to the petitioner and thereafter hear and dispose of the same on its own merits in accordance with law.

The Writ Petition is accordingly allowed. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

VILAS V.AFZULPURKAR, J

16.12.2015

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