

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.19640 of 2015

ORDER:

Heard.

The petitioners question the show-cause notices issued by the 3rd respondent on 16-05-2015 and 19-06-2015 primary on the ground that the 3rd respondent has no jurisdiction, as he is only the appellate authority.

It is evident from the show-cause notice, dated 16-05-2015 that the 4th respondent submitted a report to the 3rd respondent stating that the entries in the revenue records with respect to grant of pattadar pass books and title deeds in favour of the petitioners were not found in the DKT Register and Fair Adangal in respect of Sy.Nos.235/2, 235/1, 235/3 and 235/4 situated at Thippinaidupalle Village, Vedurukuppam Mandal, Chittoor District and therefore, the 3rd respondent issued show-cause notice, dated 16-05-2015 asking the petitioners to submit explanation. The petitioners submitted their explanation on 10-06-2015. Thereafter, the 3rd respondent again issued another show-cause notice, dated 19-06-2015 making similar allegations as alleged in the earlier show-cause notice, dated 16-05-2015.

The petitioner questions the said notices primarily on the ground that the 3rd respondent is not empowered to issue the impugned show-cause notices and it is only the 4th respondent, who is competent under Section 5(5) of the A.P.Rights in Land and Pattadar Pass Books Act, 1971, (for short 'the Act') to take action and the Revenue Divisional Officer is only the appellate authority, who can examine any order of the recording authority either making an amendment or refusing to make such an amendment. Whereas in the present case, the 4th respondent has granted pattadar pass books and title deeds and the petitioners claim that they were granted valid DKT Pattas, which were confirmed by the pattadar pass books and title deeds and as such, the proceedings for cancellation cannot be taken up by the 3rd

respondent by issuing impugned show-cause notices.

A reading of Section 5(5) of the Act clearly shows that the 3rd respondent is an appellate authority and since the petitioners were admittedly granted pattadar passbooks and title deeds by the 4th respondent, it is for the 4th respondent to take appropriate action and if there is any misrepresentation or fraud in issuing pattadar pass books and title deeds, it is for the 4th respondent to take appropriate action if he is satisfied of such misrepresentation or fraud.

The impugned proceedings are therefore, set aside. However, the 4th respondent is at liberty to initiate appropriate proceedings if he deems necessary and by following due procedure of law, take appropriate action in accordance with law.

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

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

VILAS V.AFZULPURKAR, J

Date: 02-07-2015

Prv

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.19640 of 2015

02-07-2015

Prv