IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

TUESDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION Nos. 14196 and 14204 of 2015

BETWEEN
Goli Sadanandam and another

... PETITIONERS

AND

The State of Telangana, Rep. by its Principal Secretary (Department of Revenue), Secretariat Building, Hyderabad and others.

...RESPONDENTS

The Court made the following:

COMMON ORDER:

Both these writ petitions are directed against the same impugned notice issued by the Revenue Divisional Officer (RDO), Mancherial bearing No.G/2101/15 dated 27.04.2015. Both the said notices were issued on a petition filed by a Service Society seeking cancellation of patta in favour of the petitioner in W.P.No.14196 of 2015. Petitioner in W.P.No.14204 of 2015 claims to have purchased Ac.1-16 guntas in new survey No.109/69 situated at Kannala Village, Bellampally Mandal, Adilabad District from the petitioner in W.P.No.14196 of 2015. By virtue of the aforesaid purchase separate writ petition was filed by the purchaser, who is petitioner in W.P.No.14204 of

2015, questioning the very same notice.

2. The primary contention raised in the writ petition is that the document, on the basis of which the said Service Society seeks cancellation of pattadar passbook, is itself of doubtful veracity and it is sought to be demonstrated that though the stamp paper for the said document styled as sale deed was obtained on 17.07.2000 sale deed itself is executed on 11.04.2000, much prior to the purchase of stamp paper. The present writ petitions are filed, primarily, on that basis questioning the jurisdiction of the RDO to conduct enquiry for cancellation of petitioner's pattadar passbooks.

3. When these matters came up initially on 07.05.2015, this court passed the following order in W.P.No.14196 of 2015:

> "Notice before admission.
>
> Learned counsel for the petitioner is permitted to take out personal notice to the 4th respondent by registered post with acknowledgment due and file proof of service.
>
> Post on 18.06.2015 in the motion list.
>
> *Status quo* obtaining as on today shall be maintained for a period of six weeks. However, the enquiry may go on, but no final orders shall be passed for a period of six weeks."

It would be noticed from the above, that this court had only granted *status quo* with regard to possession and the enquiry was directed to be proceeded with.

6. I have heard learned counsel for the petitioner and learned Government Pleader.

7. Evidently, the jurisdiction of the RDO to enquire into the complaints for cancellation of patta cannot be doubted by the petitioner as the Revenue Divisional Officer is the competent authority to exercise power under Section 5(B) of the A.P. Rights in Land and Pattadar Passbooks Act, 1971, whenever the party complains of and feels aggrieved by the order of the Mandal Revenue Officer with regard to record of rights.

8. In that view of the matter, therefore, there is no reason to entertain the writ petitions at the stage of notice, particularly, as the RDO is entitled to enquire into the complaint after notice to the petitioners and is entitled to

consider the entire case and pass appropriate orders. Both the petitioners have to be given an opportunity to file explanation and it is stated that though they appeared before the RDO on the date fixed, the case was not taken up and, as such, they could not file the explanation. I do not see any reason why petitioners could not file the explanation in the office of the RDO and await intimation of date of hearing. Petitioners are, therefore, granted a weeks' time from today to file explanation and thereafter the RDO shall fix a date for hearing under intimation to the parties and then hear and decide the matter on merits in accordance with law. To avoid the threat of dispossession of the petitioners,
this Court had granted *status quo* to be maintained. The said order of *status quo* shall continue pending adjudication and shall be subject to such orders that the RDO would pass.

With the above directions, these writ petitions are 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

June 23, 2015
Lmv