

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.25348 OF 2016

ORDER:

The case of the petitioners is that they filed O.S.No.173/1989 for declaration and the same is decreed in favour of the petitioners. Subsequently, they filed E.P.No.145/1997 for delivery of possession and the possession was delivered on 11.12.1997. As per the decree, though the unofficial respondents are owners of the land admeasuring Ac.6.17 gts, by playing fraud they obtained pattadar pass books and title deeds for the total extent i.e., Ac.13.00 gts. Against the same, petitioners made a representation dated 28.09.2016 before the respondents 2 and 3 for taking action against the unofficial respondents in pursuance to the above said decree. It is also stated that the petitioners have also filed appeal. As no action has been taken, the present writ petition is filed.

Learned Assistant Government Pleader for Revenue submits that the subject land is situated in agency area, as such the decree passed in favour of the petitioners in O.S.No.173/1989 is without jurisdiction. He also submits that the Revenue Divisional Officer has no power to entertain the appeal filed against the cancellation of pattadar pass books and title deeds and even the District Collector has no role as per the provisions envisaged under Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act'). He further submits that since the decree is passed in favour of the petitioners, it is for the petitioners to approach the Joint Collector in respect of the cancellation of pattadar pass books granted in favour of the unofficial respondents.

In view of the above, no direction can be issued to the District Collector in respect of the cancellation of pattadar pass books granted in favour of the unofficial respondents. However, it is open for the petitioners to initiate the proceedings before the Joint Collector as per the provisions envisaged under the Act.

With the above observation, the writ petition is dismissed. No costs. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

18-08-2016
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