

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

WRIT PETITION No.19146 of 2005

ORDER:

This writ petition is filed by the petitioner under Article 226 of the Constitution of India to quash the proceedings in Case No.D5/P5/17/2005, dated 06.08.2005 passed by the 11th respondent, declaring the same as arbitrary, illegal, and without jurisdiction and is violative of principles of natural justice.

02. The case of the petitioner is that the petitioner purchased Ac.4.01 gts. of agricultural land in Sy.No.179 (part) situated at Bachupally Village, Quthbullapur Mandal of Ranga Reddy District, under registered sale deed dated 24.07.2004 bearing document No.8036 of 2004 from the 10th respondent. Since then he is in possession and enjoyment of the property. Thereafter, he made an application for mutation, before the 9th respondent, and the said mutation was ordered by the 9th respondent by issuing proceedings No.A/895/2004 dated 12.07.2004 and proceeding No.A/8691/2004 dated 28.09.2004.

03. Aggrieved by the order passed by the 9th respondent, Respondents 1 to 7 filed an appeal before the 8th respondent in Appeal No.A2/3749/2004 and A/3751/2004. After hearing both parties, the 8th respondent dismissed the above appeals vide order dated 08.04.2005.

04. Aggrieved by the order passed by the 8th respondent, respondents 1 to 7 preferred revision before the 11th respondent vide case No.D5/P5/17/2005. The 11th respondent, while holding that the revision is not maintainable, set aside the order passed by the 9th respondent.

05. Therefore, it is contended that the order is against the law and when once the 11th respondent concluded that the revision is not maintainable he could not have set aside the order of the 9th respondent dated 12.07.2004 and 28.09.2004 passed in exercise of power under Section 5(2) of AP Rights In Land And Pattadar Pass Books Act, 1971.

06. The respondents did not file counter.

07. During hearing, learned counsel for the petitioner almost reiterated the contentions urged in the writ petition. Whereas Sri E. Madan Mohan Rao, learned counsel for respondents 1 to 7, contended that the matter was heard in the presence of Sri S. Nagesh Reddy, counsel for the 4th respondent, who is the petitioner herein, and supported the order.

08. In the last paragraph of the order under challenge, the 11th respondent held that the revision is not maintainable, and set aside the orders of Mandal Revenue officer dated 12.07.2004 and 28.09.2004. When 11th respondent held that the revision is not maintainable under Section 9 of AP Rights In Land And Pattadar Pass Books Act, 1971, ought not to have set aside the order dated 12.07.2004 and 28.09.2004. If the 11th respondent finds that the revision is maintainable then he is entitled to pass such an order, therefore, the last paragraph of the order and the first part of observation is contrary to one another, as such, self contradictory order cannot be sustained, as the order is without jurisdiction.

09. In those circumstances, the matter is remitted to the 11th respondent to decide the matter afresh after affording reasonable opportunity to both the parties.

10. With the above observation, the writ petition is disposed. No

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

M. SATYANARAYANA MURTHY, J

Date: 04.03.2016

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