

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.34309 of 2016

ORDER :

Petitioner challenges the letter dated 24.09.2015 addressed by the Collector & District Magistrate, Khammam to the Tahsildar, Burgampahad. By this letter the Collector while responding to the application submitted by the petitioner to de-cast the sand in patta land requested the Tahsildar, to send revised proposals for cancellation of pattedar pass book while pointing out the lapses noticed by him.

2. Learned counsel for the petitioner would submit that this decision is adversely affecting the petitioner and the said decision is arrived at without putting the petitioner on notice and affording due opportunity. The decision of the Collector is in violation of the provisions of the A.P. Rights in Land and Pattedar Pass Book Act, 1971 (for short 'the Act 1971').

3. A bare reading of the letter dated 24.09.2015 would show that it is an internal correspondence between two authorities of the State. Though the Collector points out certain lapses to cancel the pattedar pass book, ultimately he directs the Tahsildar to submit revision proposals.

4. Learned counsel for the petitioner is unable to state whether such revision proposals are submitted and it appears no further orders are passed.

5. As noted above, the Collector only directs the Tahsildar to submit revision proposals. Section 9 of the Act, 1971 enables the Collector to exercise suo-moto powers. In terms of the Proviso appended to Section 9 of the Act, 1971, on exercise of suo-

moto revision by the Collector, if any decision to be taken would adversely affect the petitioner, he should be put on notice. Thus, sufficient safeguards are provided by the Act, 1971. Admittedly, no order is passed affecting the rights of the petitioner as sought to be contended. Thus, the claim made by the petitioner is premature. The petitioner can agitate his grievance only if such power is exercised and order is passed without putting him on notice and without giving due opportunity.

6. Hence, the Writ Petition is dismissed. There shall be no order as to costs.

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

17th October, 2016
Rds

P.NAVEEN RAO,J

