

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.37468 of 2016

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking the following relief:

“....to issue writ, order or direction preferably writ of mandamus declaring the proceedings vide Rc.No.B3/2909/2016, dated 13.10.2016 issued by the respondent No.4 as illegal, arbitrary, without jurisdiction and violative of natural justice and consequently set-aside the same and further direct the respondent No.4 to grant ORC to the petitioners pursuant to their applications for grant of ORC in respect of Inam lands owned by the petitioners in sy.No.54 of Pedamandava Village, Mudigonda Mandal, Khammam District.”

2. Heard learned counsel for the petitioners and learned Assistant Government Pleader for Revenue. With their consent, the writ petition is disposed of at the stage of admission.

3. The petitioners claim to be absolute owners and possessors of land admeasuring Ac.18-37 guntas in survey Nos.54 and 55 of Pedamandava Village, Mudogonda Mandal, Khammam District having purchased the same by virtue of registered sale deeds. The petitioners filed an application before the 4th respondent seeking issuance of ORC for the aforementioned land in survey number Nos.54 and 55. Pursuant thereto, the Revenue Divisional Officer, by his order dated 13.10.2016, rejected the request of the petitioners and directed the Tahsildar, Mudigonda Mandal to make necessary proposals to the competent authority for cancellation of pattadar passbooks and title deeds issued in respect of aforementioned lands of Pedamandava Village of Mudigonda Mandal under Section 9 of the Andhra Pradesh Rights in Land and Pattadar Passbooks Act, 1971 (for short, 'the Act').

This action of the 4th respondent is subject matter of challenge in this writ petition.

4. Learned counsel for the petitioners would submit that the order passed by the 4th respondent in directing the Tahsildar to make necessary proposals for cancellation of pattadar passbooks and title deeds of aforementioned land as per Section 9 of the Act, is beyond his jurisdiction. He further submits that in spite of passing orders on an application filed by the petitioners for issuance of ORC as per Inam Abolition Act, the 4th respondent could not have passed any order and recommend the Tahsildar to cancel the pattadar passbooks and title deeds in respect of aforementioned lands of Peddamandava Village under Section 9 of the Act

5. Learned Assistant Government Pleader for Revenue would submit that though he did not dispute the argument advanced by the learned counsel for the petitioners with regard to jurisdiction exercised by the 4th respondent in recommending the Tahsildar to cancel the pattadar passbooks and titles of aforementioned lands, aggrieved by the order passed by the 4th respondent the petitioners have got alternative remedy.

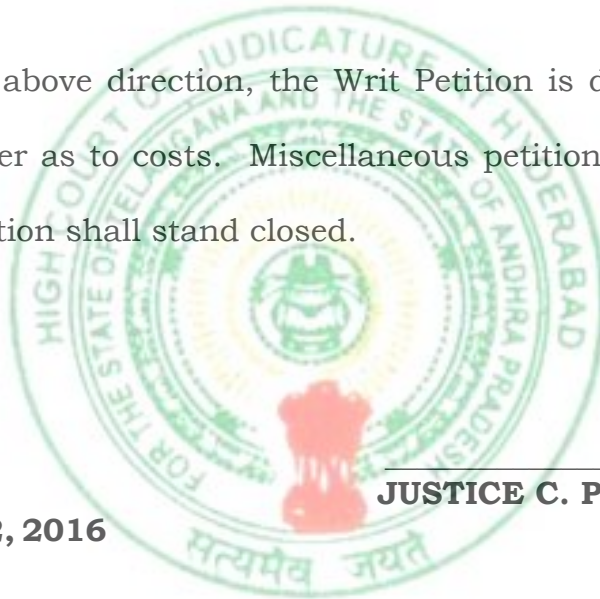
6. As seen from the order under challenge, the 4th respondent- Revenue Divisional Officer in spite of dealing with the application filed by the petitioners for issuance of ORC in respect of aforementioned lands, erroneously rejected the same and directed the Tahsildar to make proposals for cancellation of pattadar passbooks and title deeds as per Section 9 of the ROR Act by assuming jurisdiction under the provisions of the said Act is beyond his jurisdiction.

7. Having regard to the facts and circumstance of the case, there shall be stay of the impugned order, dated 13.10.2016, for a period of four (04) months. Meanwhile, the writ petitioners shall prefer an appeal against the impugned order under the provisions of the Act before the Joint Collector. As Revenue Divisional Officer passed the impugned order and still if he is acting as Joint Collector, the petitioners shall make an application for transfer of matter to the appropriate authority for deciding the issue, in which event the same shall be considered in accordance with law, as early as possible, preferably within a period of six (06) months thereafter.

8. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

NOVEMBER 02, 2016
YVL

JUSTICE C. PRAVEEN KUMAR



THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR



WRIT PETITION No.37468 of 2016

Date:02.11.2016