

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION Nos.10920 AND 11250 OF 2012

COMMON ORDER:

____ Heard the learned counsel for the petitioners in both the writ petitions and the learned Government Pleader for Revenue and also the learned counsel appearing on behalf of the unofficial respondents. With their consent, both the writ petitions are disposed of at the admission stage.

2. Writ Petition No.10920 of 2012 came to be filed seeking issuance of a writ of *Certiorari* quashing the impugned order, dated 25.01.2012 passed by the 1st respondent in Rc.No.E5/1011 of 2010 as illegal, void and consequently, to direct respondents 1 to 3 not to interfere and change the entries in the revenue records pertaining to the land of the petitioner admeasuring Ac.21.00 in Sy.No.554 of Padamati Keshavapur Village of Bachannapet Mandal, Warangal District.

3. Writ Petition No.11250 of 2012 came to be filed seeking issuance of writ of mandamus declaring the action of the 1st respondent in passing the impugned order dated 25.01.2012, in Rc.No.E5/1011/2010 cancelling the pattadar Pass Book bearing No.80262 in respect of the land admeasuring Ac.20.34 gts., in Sy.No.554, situated at Padamati Keshavapur Village of Bachannapet Mandal, Warangal District, on the basis of a recommendation made by the 2nd respondent, as illegal, arbitrary and contrary to the provisions of the Andhra Pradesh Rights in land and Pattadar Pass Books Act, 1971 (for short, 'the Act').

4. Material placed before this Court would show that pursuant to the report of the Tahsildar submitted to the Collector, Warangal in the month of May, 2010 and also the letter of the Revenue Divisional Officer, Jangaon to the Joint Collector, Warangal, dated 29.12.2009, wherein he sought for cancellation of patta pass books issued in favour of the petitioner, impugned order cause to be passed by the Joint Collector.

-

5. It is to be noted that in W.P.No.11250 of 2012 the petitioner was not heard and even without giving any notice, the impugned order came to be passed. The said fact is not seriously disputed either by the learned Government Pleader for Revenue or by the learned counsel appearing for the unofficial respondents. Hence, on that score alone, Writ Petition No.11250 of 2012 is to be allowed since the impugned order is in violation of the principles of natural justice.

-

6. Even in Writ Petition No.10920 of 2012, the petitioner was not made as a party to the proceedings, but however the petitioner made a representation to the Joint Collector on coming to know about the proceedings. It is the case of the petitioner that he is in exclusive possession and enjoyment of Ac.21.00 of land in Sy.No.554, of Padamati Keshavapur Village, which was purchased from one Narra Rameshwar Reddy-respondent No.5 through a Registered Sale Deed vide document No.19/2007, dated 04.01.2008. The petitioner developed the said land by spending huge amounts and fenced the entire land with barbed wire and also planted sweet orange and mango trees in an area of four acres of land and also constructed a building, dug a bore-well, obtained electricity connection and residing therein. The name of the petitioner was also recorded in Pahani Patrik, Pattadar Pass Book

and Title Deeds were also issued by the 3rd respondent. The petitioner also raised the plea of maintainability of revision before the Joint Collector under Section 9 of the Act.

-

7. Though various grounds are raised in the writ petition, Sri K.Govardhan Reddy, learned counsel for the petitioner in W.P.No.10920 of 2012 submits that the petitioner could not adduce any evidence before the Collector since he came on record at a very later point of time. But, however, submits that the petitioner may be permitted to participate in the enquiry proceedings, which may be conducted before the Tahsildar and also permit him to raise all the necessary grounds including the jurisdiction of the Tahsildar to entertain the proceedings and also other legal and factual aspects.

-

8. Learned counsel for the respondents though supports the order of the Tahsildar, but as the request of the petitioner is only to permit him to participate in the proceedings, did not seriously object the same.

-

9. Having regard to the aforesaid circumstances, the impugned order is set aside and the matter is send back to the Tahsildar, Bachannapet Mandal, who shall, uninfluenced by the observations and findings arrived at by the Joint Collector and the report of the Revenue Divisional Officer, Jangaon, proceed with the enquiry after giving opportunity to the petitioners in both the writ petitions and also to the unofficial respondents. It is needless to mention that the petitioners in both the writ petitions shall be permitted to adduce evidence if necessary and also permit them to take all the legal pleas during the enquiry proceedings. The said enquiry shall be completed as early as possible preferably within a

period of six (06) months from the date of receipt of a copy of this order, in accordance with law. Till such time, the interim order passed by this Court on 17.04.2012 in W.P.No.10920 of 2012 and on 19.04.2012 in W.P.No.11250 of 2012 shall be in force.

-

10. Accordingly, both the Writ Petitions are allowed. Consequently, Miscellaneous Petitions, if any, pending shall stand closed. There shall be no order as to costs.

-

JUSTICE C. PRAVEEN KUMAR

Date:01.02.2016
INL