

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No. 1410 of 2016

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ORDER:-

Heard learned counsel for the petitioner and learned government Pleader for Revenue and Mr.Lakshminarayana Reddy, learned Standing Counsel appearing for respondent Nos.4 to 6.

2. The present writ petition questions the notice issued by the Revenue Divisional Officer in Rc.No.A/247/2015 dated 24.03.2015. Petitioner contends that respondent Nos.4 to 6 filed a representation before the Revenue Divisional Officer, second respondent, and on that representation the present proceedings are initiated while treating the said representation as an appeal against the grant of pattadar passbooks to the petitioner.

3. While issuing notice on admission, this Court granted interim stay in view of the contention of the learned counsel for the petitioner that the second respondent has no jurisdiction in the light of decision of Division Bench of this Court in ***Ratnamma v. Revenue Divisional Officer, Anantapur District***^[1]

3. Today after hearing all the learned counsel, it is evident that there is no controversy that the Revenue Divisional officer even otherwise would have no jurisdiction in the light of aforesaid decision of the Division Bench. In addition to that, representation of respondent Nos.4 to 6 cannot be treated as an appeal by the second respondent and in view of the decision of this Court in ***Basireddy Rukminamma v. Joint District Collector, Kadapa, Kadapa District***^[2],

the proceedings before the second respondent cannot be sustained. The said issue is not contested particularly by the learned counsel for respondent Nos.4 to 6.

4. Learned counsel for respondent Nos.4 to 6 submits that a representation is filed before respondent No.3 on 29.12.2014 and the same is pending before the third respondent. If such a representation is pending, the

third respondent shall examine the same and after giving appropriate notice to the petitioner and other affected parties, shall conduct necessary enquiry and thereafter pass appropriate orders in accordance with law.

With the above direction, the writ petition is allowed.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

February 17, 2016
LMV

[\[1\]](#) 2015(5) ALT 228 (DB)

[\[2\]](#) 2013(6)ALD 678