THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 24485 of 2016

ORDER:

This Writ Petition has been filed seeking a *mandamus* for declaring that the *suo motu* Revision before the 3rd respondent Joint Collector, Ranga Reddy District, bearing No. D1/6972/2015, dated 02.12.2015 is in violation of Section 9 of the Andhra Pradesh Rights in Land and Pattadar Passbooks Act, 1971 and Rule 23(2) of the Andhra Pradesh Rights in Land and Pattadar Pass Books Rules, 1989.

The petitioners claim to be in possession and enjoyment of the agricultural land admeasuring Acs.5.33 guntas covered by Survey Nos. 21 and 22 situated at Chevella Village and Mandal, Ranga Reddy District, having purchased the same from original pattadars, under a sale deed dated 31.10.2014. The said factum has been fortified by the letter dated 03.10.2015 issued by the Revenue Divisional Officer, Chevella. While so, the 3rd respondent, through the notice dated 02.12.2015, has directed Smt. Saberunnisa, W/o Basheer and others to appear before him on 19.12.2015 at 11.00 A.M. along with all documents and records to protest the *suo motu* Revision taken up under Section 9 of the 1971 Act. Having come to know of the said fact, the petitioners have filed their written objections on 30.01.2016, detailing the civil proceedings that ensued with regard to the property in question. Despite the same, the 3rd respondent is now contemplating to proceed with the *suo motu* revision initiated against Smt. Saberunnisa.

Learned counsel for the petitioners submits that the present case is a clear example of violation of the principles of natural justice. The 3rd respondent before conducting *suo motu* revision, knowing fully well that there are disputes pending with regard to the subject property, ought to have put the petitioners, who have purchased the same from their original pattadars/vendors, on notice of the said action.

A bare perusal of the letter dated 03.10.2015 addressed by the Revenue Divisional Officer, Chevella to the Collector, Ranga Reddy District would go to show that the Wakf Board has published the subject lands as wakf lands in A.P. Gazette No. 7A, dated 16.02.1989, but the said fact was not brought to the notice of the District Revenue Administration and hence, in the absence of the gazette notification, all the subsequent transactions have taken place. It further shows that Smt. Saberunnisa, W/o Basheer and others were recorded as the pattadars regarding the land in question. According to the 2nd respondent, granting of pattadar passbooks in favour of the vendors of the petitioners itself was a mistake, inasmuch as neither the recording authority, the Mandal Revenue Officer nor the Revenue Divisional Officer, who is the first appellate authority, has any powers to review their own orders beyond one year period, in terms of Section 3(3) of the 1971 Act. The 2nd respondent, hence, forwarded the case to the 3rd respondent, who being the revisional authority, has issued the notice dated 02.12.2015 to the vendors of the petitioners seeking to inquire into the matter. However, as no notice was issued to the petitioners, who are, admittedly, the purchasers of the land from Smt. Saberunnisa, W/o Basheer and others, which fact was brought to the notice of the 3rd respondent by the 2nd respondent *vide* proceedings dated 03.10.2015, and as a mater of fact, the petitioners had already filed their objections, there is a duty cast upon the 3rd respondent to consider the objections raised by them and also provide them an opportunity of hearing as well, if they chose to avail the same.

In the circumstances, the Writ Petition stands disposed of with a direction to the 3rd respondent to issue notice to the petitioners and also supply the documents referred to by the 2nd respondent in the proceedings, dated 03.10.2015, subject to payment of necessary costs. The petitioners are at liberty to make additional submissions, if any.

It is however, made clear that the 3rd respondent shall proceed with the inquiry after giving an opportunity of hearing to the petitioners and after considering the objections that might be submitted by them. No costs.

Consequently, the Miscellaneous Applications, if any shall also stand disposed of.

CHALLA KODANDA RAM, J.

25th July 2016

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