

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.35852 OF 2016

ORDER:

Petitioner filed the present Writ Petition under Article 226 of the Constitution of India seeking the following relief:

“... to issue a writ, order or direction more particularly a Writ of Mandamus declaring the orders passed by the 3rd respondent in Rc.No.1437/2010, dt.12.07.2016 allowing the appeal filed by the 5th respondent whereby the pattedar pass book and title deed issued in favour of the petitioner are cancelled as illegal, arbitrary and violative of principles of natural justice and contrary to the mandate of Article 21 and 300-A of the Constitution of India, and consequently set aside the orders passed by the 3rd respondent dt.12.07.2016 in respect of land admeasuring Ac.3.02 cents in Sy.No.646/1 of Jaladurgam Village, Peapullay Mandal of Kurnool District and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue (AP) appearing for respondents 1 to 4. With their consent, the present writ petition is disposed of at the admission stage itself. There is no necessity to put R.5 on notice as this Court is not venturing to adjudicate the issue on merits.

Learned counsel for the petitioner mainly submits that the order passed by the 3rd respondent is illegal and contrary to the provisions of the Rights in Land and Pattadar Pass Books Act, 1971 (for short 'ROR Act'). It is his case that the impugned order is passed without taking into consideration the material placed by the petitioner.

Learned AGP would submit that as against the order passed by the Revenue Divisional Officer, a revision under Section 9 of the ROR Act lies before the District Collector and without availing such remedy, the petitioner has directly approached this Court.

Having regard to the rival submissions made, the Writ Petition is disposed of directing the petitioner to approach the 2nd respondent-District Collector, Kurnool, by way of filing a revision, within a period of two weeks from today, in which event, the same shall be dealt with in accordance with law. Having regard to the circumstances of the case, *status quo* as on today shall be maintained for a period of two weeks.

Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

Date: 24.10.2016

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