

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

* * * *

WRIT PETITION No.32696 OF 2017

Between:

Yarraguntla Apparao.

.. Petitioner

And

State of A.P. rep. by its Principal Secretary, Revenue Dept.
Secretariat, Amaravathi, Guntur and others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 09.11.2017



HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No. 32696 of 2017

ORDER:

Heard the learned counsel for the petitioner, learned Government Pleader for Revenue appearing for respondent Nos.1 to 5 and Sri P.Roy Reddy, learned Counsel appearing on behalf of Sri Y.Ravindra Kumar, learned Counsel for respondent No.6.

2. In this writ petition, petitioner assailed revisional order dated 11.09.2017 of respondent No.3 confirming the order in Rc.No.10144/2015-A dated 28.05.2016 of respondent No.4.

3. Petitioner's case is that he was given pattadar pass book and title deed by respondent No.5, that respondent No.6 preferred appeal to respondent No.4 seeking cancellation of the same and that respondent No.4 entertained and passed an order on 28.05.2016 allowing appeal of respondent No.6.

Learned counsel for the petitioner submits that the appeal itself is not maintainable in view of the judgment of this Court in **Ratnamma v. Revenue Divisional Officer, Ananthapur**¹. He further submits that when the petitioner questioned the same before respondent No.3, respondent No.3 confirmed the order of respondent No.4, and that this order is also erroneous since respondent No.3 ought to have allowed the revision on the ground that respondent No.4 had no jurisdiction and had failed to do so.

¹ 2015(5) ALT 228 (DB)

4. Both counsel for respondent No.6 and learned Government Pleader for Revenue do not dispute the legal position that appeal before the Revenue Divisional Officer challenging grant of pattadar pass books and title deeds to petitioner and seeking cancellation of the same, is not maintainable, in view of the decision referred supra. Therefore, it has to be held that respondent No.4 had no jurisdiction to pass order dated 28.05.2016 and that respondent No.3 could not have confirmed the same in revision.

5. Accordingly, the Writ Petition is allowed and the order dated 11.09.2017 of respondent No.3 as well as order dated 28.05.2016 of respondent No.4 are both set aside; and respondent No.6 is permitted to avail appropriate remedy in the appropriate forum challenging issuance of pattadar pass book and title deed to the petitioner as well as survey report dated 02.12.2014 of respondent No.2.

6. Miscellaneous petitions pending, if any, shall also stand disposed of. No order as to costs.

M.S.RAMACHANDRA RAO,J

Date:09.11.2017
 usd

