

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.7031 OF 2017

ORDER

The issue is raised under AP Assigned Lands (POT) Act, 1997 (for short 'the Act'). The petitioners challenge the notice RC.No.B2/78/2016, dated 24.01.2017, on the ground that the Joint Collector does not have power to exercise *suo motu* revisional power and issue the notice. The extended limb of the objection is that the power of initial *suo motu* enquiry is vested with the Government and not the Joint Collector.

Learned Assistant Government Pleader, on instructions, submits that the jurisdiction under 4-B of the Act is exercised on the communication received from the Tahsildar. Therefore on the question of grant of assignment or continuation of assignment, the Tahsildar is the objection petitioner and the words used in the text of the notice that '*suo motu* revision objection' do not fit in the context of things.

I have perused the notice dated 24.01.2017 and also taken note of the contents in communication dated 29.11.2016 which are brought to the notice of the Court and perused Section

4-B of the Act in the instant writ petition. This Court is not interpreting Section 4-B of the Act in this order. This Court is satisfied that the Tahsildar invoked the jurisdiction of the Joint Collector for initiating action under the Act.

Therefore, mere use of words '*suo motu*' do not otherwise go to the root of the disposal which is otherwise in the knowledge of the Joint Collector. While not being in agreement with the objection raised by the petitioners, I have taken note of the objections made by the petitioners on merits and to meet the ends of justice, the Writ Petition is disposed of by this order.

- (a) The Joint Collector is directed to furnish a copy of the communication received from the Tahsildar, Narmetta Mandal, Letter No.B/9715/2016, dated 29.11.2016 within three weeks from the date of receipt of a copy of this order.
- (b) The petitioners are given four weeks time from the date of receipt of a copy of letter dated 29.11.2016 to furnish reply.
- (c) The Joint Collector, Jangaon-2nd respondent is directed to afford an opportunity to petitioners takes note of the objections raised by them and passes orders in accordance with law.

There shall be no order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE S.V.BHATT

2nd June, 2017
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