THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION Nos.9707 OF 2009 & 23913 of 2010

COMMON ORDER :

Since the parties and subject property in both the writ petitions are one and the same, they are being heard together and disposed of by way of this Common Order.

W.P.No.9707 of 2009

This writ petition is filed seeking writ of *certiorari* calling for the records of impugned proceedings bearing No.T2/1001/2005, dated 09.04.2008 declaring the order passed by the 2nd respondent in according permission to the 3rd respondent to initiate proceedings for cancellation of Supplementary Sethwar issued in respect of the lands admeasuring Acs.26.16 guntas situated in Sy.Nos.4, 5, 8, 9, 10 and 41/9-12 of Khanamet Village, Serilingampally Mandal, Ranga Reddy District, (hereinafter referred to as 'subject lands') in terms of Section 166(3) of the A.P.(Telangana Area) Land Revenue Act, 1317 (for brevity, the Land Revenue Act') as illegal and arbitrary and consequently quash the same.

2. Brief facts which are necessary for disposal of the writ petition are as follows:

The petitioners claim to be the owners and possessors of the subject lands having purchased the same under various registered Sale Deeds executed by Smt.K.Kousalya & others during the month of February, 1996, who in turn purchased the same from the original pattadars in the year 1995. The original pattedars were assigned the subject lands on 08.04.1961 by the then Tahsildar, Hyderabad West. The petitioners applied for mutation of their names in revenue records to the 4th respondent vide letter dated 25.08.1997. The 4th respondent sent proposal to the 3rd respondent to accord permission for implementation of mutation as requested by the petitioners. The 3rd respondent accorded permission for mutation of the names of the petitioners in the revenue records. Thereafter, the 4th respondent mutated the names of the petitioners in revenue records in respect of their shares in the subject lands and also issued pattedar pass books and title deeds. The petitioners, with an intention to develop the subject lands, have applied for approval of layout to the HUDA, who in turn advised them to obtain NOC from the 3rd respondent. Thereupon, they have applied for 'No-Objection Certificate' (NOC) to the 3rd respondent in respect of the subject land. Basing on their application for grant of 'NOC', the 3rd respondent issued Memo dated 29.04.2004 stating that request for NOC cannot be considered as the subject land covered by NOC are the subject matter of C.M.P.No.15294 of 2000 in A.S.No.2731 of 1996, in which *status quo* had been granted by this Court. The petitioners themselves have impleaded as respondents in the above appeal suit vide orders dated 09.03.2005 in ASMP No.312 of 2005. While so, the 3rd respondent addressed letter dated 18.01.2005 to the 2nd respondent to accord permission to initiate proceedings for cancellation of Supplementary Sethwar issued by him in the year 1993 on the ground that the patta certificates issued in favour of the original assignees are in English language and the signature appended therein in the pattas by the then Tahsildar did not tally. The 2nd respondent vide D.O letter dated 02.02.2006 directed the 3rd respondent to furnish additional information for initiation of proceedings for cancellation of Supplementary Sethwar. By another letter dated 22.03.2006, the 2nd respondent directed the 3rd respondent to furnish information as sought for vide letter dated 02.02.2006. The 3rd respondent vide letter dated 17.04.2006 had once again requested 2nd respondent for according permission for initiation of proceedings for cancellation of Supplementary Sethwar on certain grounds. Basing on the request of the District Collector, the 2nd respondent vide proceedings No.T2/1001/2005, dated 09.04.2008 had accorded permission to the District Collector, Ranga Reddy for initiation of proceedings for cancellation of Supplementary Sethwar dated 24.07.1993 in respect of the subject lands. Aggrieved by the same, present writ petition is filed.

3. Counter affidavit is filed by the 4th respondent on behalf of the respondents 1 to 3 denying the averments in the affidavit filed in support of the writ petition stating that the petition submitted by the Manager of Daggubati Farms Private Limited for grant of NOC in respect of subject lands had been examined and found that the patta certificates issued in favour of Sri Narsimulu Naik and others i.e., original assignees, from whom the petitioners alleged to have purchased the subject land, are not genuine and decided to cancel the Supplementary sethwar

issued in this regard and requested the 2nd respondent vide letter dated 16.04.2006 to accord permission for initiation of proceedings for cancellation of supplementary sethwar issued in respect of the subject lands, on certain grounds. That the copies of certificates submitted by the petitioners claiming assignment in the category of Ex-Servicemen had been referred to hand writing expert to verify their authenticity. The handwriting expert submitted report wherein it is revealed that the so-called patta certificates are not genuine. That the Director, Appeals, after issuing notices to the concerned parties under Section 166-B of the Land Revenue Act and after hearing the case on merits, observed that District Collector had created suspicion that fraud was played in the case by the original assignees during 1992. That G.O.Ms.No.743 was issued on 30.04.1963 framing guidelines for assigning agricultural lands to the Armed Forces and their dependents and that prior to the said G.O, there were no rules to assign Acs.5.00 gts to the Ex-Serviceman. That in pursuant to impugned orders dated 09.04.2008, enquiry under Section 166-B of the Land Revenue Act was initiated by giving notice to the writ petitioners in file No.E1/8606/2003, dated 04.11.2010. That while the enquiry is pending, the present writ petition is filed and this Court granted interim order dated 31.12.2010 in WPMP No.37803 of 2010, which was extended until further orders on 29.01.2011. That instead of filing required documents in support of their claim in response to the notices issued to the petitioners on 04.11.2011 and 22.11.2011, the present writ petition is filed and sought for dismissal of the writ petition.

4. Heard Sri P.Sri Raghu Ram, learned Senior Counsel for the petitioners and learned Special Government Pleader for respondents.

5. Sri P.Sri Raghu Ram, learned Senior Counsel for the petitioners submit that the power under Section 166-B of the Land Revenue Act cannot be invoked by the Government after lapse of 15 years i.e., from the date of grant of Supplementary Sethwar. He also submits that based on assignment granted in favour of the predecessors-in-title of the vendors of the petitioners in the year 1961, Supplementary Sethwar was issued and names of the predecessors-in-title of the vendors of the petitioners and names of the petitioners, after purchase of the same, were entered in revenue records and they were issued pattedar pass books and title deeds, as such, same cannot be reopened after a period of 48 years i.e., from the date of granting of assignment in favour of the original assignees who are predecessors-in-interest of the petitioners. He submits that supplementary sethwar was granted on 22.06.1993 in favour of the original assignees. He also submits that the predecessors-in-title of the petitioners have purchased the subject lands after obtaining permission from the 4th respondent on 18.05.1995, as such, respondents having granted permission for alienation, are estopped from contending that initiation of proceedings under Section 166-B of the Land Revenue Act, are proper. He also submits that no action for cancellation of original assignment

was initiated against the original assignees and they are not made as parties to the proceedings in question. He would further contend that the petitioners are *bonafide* purchasers and they are protected under Section 41 of the Transfer of Property Act, which is an exception to the rule that a Vendor cannot pass on a better title than what himself has, as such, the 2nd respondent has no jurisdiction to grant permission for initiation of proceedings for cancellation of Supplementary Sethwar, which was issued basing on assignment made in the year 1961 in favour of the original assignees. No fraud is pleaded and only on suspicion, impugned proceedings were initiated. He further submits that earlier when permission was sought for reviewing the grant of Supplementary Sethwar, the 2nd respondent observed in paragraph 6 of the impugned order that there is no substantial or conclusive evidence to show that the subject lands were not assigned to Ex-servicemen and the patta certificates were issued to ex-servicemen in the year 1961. He submits that seeking permission for cancellation of supplementary sethwar on the ground of difference of language and variance in signatures of the officers is untenable and not based on any valid ground and also observed that the Collector cannot exercise powers under Section 166-B of the Land Revenue Act on his own or on permission and also found that request for according permission, to initiate action for cancellation of supplementary sethwar under Section 166-B of the Land Revenue Act, cannot be considered. He further submits that having rejected the application of 3rd respondent-

Joint Collector by the 2nd respondent by order dated 02.02.2006, he ought not to have passed impugned order permitting for initiation of proceedings under Section 166-B of the Land Revenue Act. In support of his contentions, he relied on the judgments reported in **A.Kodanda Rao v. Government of A.P[1], Muthyalrao Co-operative Housing Society Ltd., v. The Government of A.P, rep. by the Secretary, Revenue (ASN-II) Department[2], Gudepu Sailoo v. Government of A.P[3], Laxminarayana v. Joint Collector, Khammam[4], M.B.Ratnam v. Revenue Divisional Officer[5], S.Santhanam v. State of A.P, Revenue Department[6], M.Narsinga Rao v. Special Commissioner, Land Revenue[7], V.Tulasiram v. Government of A.P[8], Joint Collector, R.R.District, Hyderabad v. D.Narasing Rao[9] and Joint Collector, R.R.District, Hyderabad v. D.Narasing Rao[10].**

6. On the other hand, learned Special Government Pleader would submit that the impugned proceedings are only internal communication between the 2nd and 3rd respondents seeking permission for initiation of proceedings for cancellation Supplementary Sethwar under Section 166-B of the Land Revenue Act, as such, the writ petition is not maintainable. He submits that no permission is required to be taken by the 3rd respondent for initiation of proceedings under Section 166-B of the Land Revenue Act, as he himself straight away can initiate proceedings. He submits that the 2nd respondent, instead of initiating proceedings under Section 166-B of the Land Revenue

---

[1] 1981 (2) APLJ (HC) 158
[2] 1995 (2) ALT 381
[3] 1997 (5) ALT 598
[4] 1998 (3) ALD 107
[5] 2003 (1) ALD 826
[6] 2006 (2) ALD 566
[7] 2007 (6) ALD 91
[8] 2009 (4) ALD 140
[9] 2010 (6) ALD 748 (DB)
[10] (2015) 3 Supreme Court Cases 695

Act, he delegated the power to the District Collector. He submits that the 2nd respondent can be directed to complete the proceedings. In support of his contention, he also relied on the judgment reported in **Joint Collector, R.R.District, Hyderabad v. D.Narasing Rao (supra).**

7. In view of above contentions, the points that emerge for consideration are as follows:

> a) Whether the *suo motu* revision can be exercised by the District Collector after a period of 15 years from the date of issuance of Supplementary Sethwar?
>
> b) Whether the Supplementary Sethwar granted in favour of the predecessors-in-interest of the vendors of petitioners are liable for cancellation without canceling the assignment made in favour of the predecessors in title of the petitioners?

8.Points-a & b:

Though it is asserted that the predecessors in title of the vendors of the petitioners purchased the subject property through registered sale deeds, after obtaining permission from the M.R.O vide proceedings dated 05.04.1995 but the same is not disputed by the respondents. It is a fact that no proceedings were initiated by the Government for cancellation of supplementary sethwar till petitioners filed an application for grant of No Objection Certificate. It is also an admitted fact that the names of the petitioners as well as the vendors of the petitioners were also entered in revenue records. The above facts go to show that the petitioners are bonafide purchasers through registered sale deeds.

Even according to the counter averments, no fraud is alleged to the petitioners in respect of the subject lands. The subject lands were assigned to the original assignees in the year 1961 under Ex-Servicemen quota and subsequently, on their representation, supplementary sethwar were issued. After obtaining supplementary sethwar, all the original assignees sold the subject lands to Smt. K.Kousalya and others, from whom the writ petitioners purchased the subject lands during the month of February, 1996. In judgments reported in **Hardev Singh v. Gurmail Singh (Dead) by LRs,**[11] the Hon'ble Apex Court and in **Catholic Machine Presentation Convent v. Subana Gondan**[12]**,** it is held that to be a bonafide purchaser, the following tests are laid down:

i) Transferor was ostensible owner of the properties.

ii) The consent express or implied of the real owners.

iii) Transferee paid consideration:

iv) Acted in good faith.

v) Taken reasonable care to ascertain that transferor had power to transfer.

9. The 3rd respondent vide letter dated 05.04.1995 addressed to the District Registrar, R.R.District, informed that there is no bar for registration of lands assigned to the ex-servicemen as per the petition of Sri Mustaq Hussain, Narimhulu Naik and five others, who are original assignees of the predecessors-in title of the petitioners. Admittedly, the registered sale deeds of the

---

[11] (2007) 2 Supreme Court Cases 404
[12] AIR 1948 Madras 20

petitioners, under which, they petitioners purchased the subject lands was not called in question in the impugned proceedings. As such, it can be concluded that no fraud is attributed to the petitioners in respect of the title of the writ petitioners.

10. In order to appreciate the rival contentions, it will be convenient and necessary to extract Section 166-B of the Land Revenue Act, under which the 2nd respondent accorded permission to the 3rd respondent for initiation of proceedings for cancellation of Supplementary Sethwar dated 24.07.1993 issued in respect of subject lands.

> "Regulation 166(B) reads as follows:
>
> "166-B. Revision:—
>
> (1) Subject to the provisions of the Andhra Pradesh (Telangana Area) Board of Revenue Regulation, 1358 F, the Government or any Revenue officer not lower in rank to a Collector the Settlement Commissioner of Land Records may call for the record of a case or proceedings from a subordinate department and inspect it in order to satisfy himself that the order or decision passed or the proceedings taken is regular, legal and proper and may make suitable order in that behalf; Provided that no order or decision affecting the rights of the ryot shall be modified or annulled unless the concerned parties are summoned and heard.
>
> (2) Every Revenue Officer lower in rank to a Collector or Settlement Commissioner may call for the records of a case or proceedings for a subordinate department and satisfy himself that the order or decision passed or the proceedings taken is regular, legal and proper and if, in his opinion, any order or decision or, proceedings should be modified or annulled, he shall put up the file of the case and with his opinion to the Collector or Settlement Commissioner as the case may be. Thereupon the Collector or Settlement Commissioner may pass suitable order under the provisions of sub-section (1).
>
> (3) The original order or decision or an authentic copy of the original order or decision sought to be revised shall be filed along with every application for revision."

Initially, the 2nd respondent examined the request of the District Collector for permission to initiate proceedings for cancellation of supplementary sethwar. However, the 2nd respondent informed the District Collector vide proceedings dated 02.02.2006 to send a detailed report with additional grounds for *suo motu* revision at appellate level. In pursuance to the said proceedings, the 3rd respondent-Joint Collector submitted report vide letter 17.04.2006 stating that the assignment appears to be highly dubious and submitted additional grounds and sought permission to cancel the Supplementary Sethwar issued in respect of subject lands. In view of the grounds urged by the Joint Collector, the 2nd respondent initiated proceedings and notices were issued to the petitioners and District Collector and after hearing both sides, issued present impugned proceedings on 09.04.2008.

11. The Supplementary Sethwar was issued in the year 1993 in favour of the original assignees i.e., predecessors in title of the vendors of the petitioners and basing on the same, mutation was affected in their favour and their names have also entered in revenue records and pattadar passbooks and title deeds were also issued, after the permission of the District Collector. Several transactions took place as stated above and the subject land was sold in favour of the petitioners' vendors through permission granted by the Tahsildar vide proceedings dated 05.04.1995. It is not the case of the respondents that permission granted by the Tahsildar through proceedings dated 05.04.1995 were any way collusive. As such, respondents are estopped from raising all such pleas.

12. As could be seen from the counter affidavit, it is not in dispute with regard to purchase of the subject lands by the

petitioners. Though the petitioners purchased the same in the year 1996, no proceedings were initiated for cancellation of assignment and only when the petitioners applied for NOC, the 3rd respondent sought permission to initiate proceedings for cancellation of Supplementary Sethwar issued in favour of the original assignees. The said exercise was sought to be exercised by the 3rd respondent without impleading the original assignees, in whose favour the subject lands were assigned. Even according to the 3rd respondent, if the assignment in favour of the predecessors in title of the vendors of the petitioners is not correct, the respondents ought to have initiated proceedings for cancellation of assignment itself, basing on which supplementary sethwars were issued, but no such action was initiated for cancellation of assignments and sought for cancellation of supplementary sethwars, which were consequential in nature. When once the Supplementary Sethwar and subsequent mutation proceedings and pattadar pass books were issued, basing on the assignment in the year 1961, initiation of proceedings after long lapse of time from the date of assignment is not permissible as held by this Court in **Joint Collector, R.R.District, Hyderabad v. D.Narasing Rao (supra),** wherein this Court held as follows:

> "9.Viewed thus, the contention of the State that the exercise of revisional power under Section 166-B of the Land Revenue Act is temporally unbounded must necessarily fail. In the present case, admittedly, the State proposes to exercise its revisionary jurisdiction to upset entries dating back to more than half a century. No valid reasons are forthcoming to justify the delay so as to make this exercise 'reasonable'.
>
> 11. As the delay in the present case had the effect of wiping out the very jurisdiction of the revisionary authority to initiate such exercise

suo motu, the Notice dated 31.12.2004 was amenable to judicial review under Article 226 of the Constitution. The contention of the State in this regard is therefore rejected."

The said view is affirmed by the Hon'ble Supreme Court in **Joint Collector, R.R.District, Hyderabad v. D.Narasing Rao (supra)** when the State filed appeals against the decision of this Court, wherein it is held as follows:

"16. No time limit is prescribed in the above Regulation for the exercise of suo motu power but the question is as to whether the suo motu power could be exercised after a period of 50 years. The Government as early as in the year 1991 passed order reserving 477 acres of land in Survey Nos. 36 and 37 of Gopanpally village for house-sites to the government employees. In other words the Government had every occasion to verify the revenue entries pertaining to the said lands while passing the Government Order dated 24.9.1991 but no exception was taken to the entries found. Further the respondents herein filed Writ Petition No.21719 of 1997 challenging the Government order dated 24.9.1991 and even at that point of time no action was initiated pertaining to the entries in the said survey numbers. Thereafter, the purchasers of land from respondent Nos.1 and 2 herein filed a civil suit in O.S.No.12 of 2001 on the file of Additional District Judge, Ranga Reddy District praying for a declaration that they were lawful owners and possessors of certain plots of land in survey No.36, and after contest, the suit was decreed and said decree is allowed to become final. By the impugned Notice dated 31.12.2004 the suo motu revision power under Regulation 166B referred above is sought to be exercised after five decades and if it is allowed to do so it would lead to anomalous position leading to uncertainty and complications seriously affecting the rights of the parties over immovable properties.

17. In the light of what is stated above we are of the view that the Division Bench of the High Court was right in affirming the view of the learned single Judge of the High Court that the suo motu revision undertaken after a long lapse of time, even in the absence of any period of limitation was arbitrary and opposed to the concept of rule of law.

25. The legal position is fairly well-settled by a long line of decisions of this Court which have laid down that even when there is no period of limitation prescribed for the exercise of any power revisional or otherwise such power must be exercised within a reasonable period. This is so even in cases where allegations of fraud have necessitated the exercise of any corrective power. We may briefly refer to some of the decisions only to bring home the point that the absence of a stipulated period of limitation makes little or no difference in so far as the exercise of the power is concerned which ought to be permissible only when the power is invoked within a reasonable period.

26. In one of the earlier decisions of this Court in S.B. Gurbaksh Singh v. Union of India 1976 (2) SCC 181, this Court held that excercise of suo motu power of revision must also be within a reasonable time and that any unreasonable delay in the

exercise may affect the validity. But what would constitute reasonable time would depend upon the facts of each case.

31. To sum up, delayed exercise of revisional jurisdiction is frowned upon because if actions or transactions were to remain forever open to challenge, it will mean avoidable and endless uncertainty in human affairs, which is not the policy of law. Because, even when there is no period of limitation prescribed for exercise of such powers, the intervening delay, may have led to creation of third party rights that cannot be trampled by a belated exercise of a discretionary power especially when no cogent explanation for the delay is in sight. Rule of law it is said must run closely with the rule of life. Even in cases where the orders sought to be revised are fraudulent, the exercise of power must be within a reasonable period of the discovery of fraud. Simply describing an act or transaction to be fraudulent will not extend the time for its correction to infinity; for otherwise the exercise of revisional power would itself be tantamount to a fraud upon the statute that vests such power in an authority.

32. In the case at hand, while the entry sought to be corrected is described as fraudulent, there is nothing in the notice impugned before the High Court as to when was the alleged fraud discovered by the State. A specific statement in that regard was essential for it was a jurisdictional fact, which ought to be clearly asserted in the notice issued to the respondents. The attempt of the appellant-State to demonstrate that the notice was issued within a reasonable period of the discovery of the alleged fraud is, therefore, futile. At any rate, when the Government allowed the land in question for housing sites to be given to Government employees in the year 1991, it must be presumed to have known about the record and the revenue entries concerning the parcel of land made in the ordinary course of official business. In as much as, the notice was issued as late as on 31st December, 2004, it was delayed by nearly 13 years. No explanation has been offered even for this delay assuming that the same ought to be counted only from the year 1991. Judged from any angle the notice seeking to reverse the entries made half a century ago, was clearly beyond reasonable time and was rightly quashed."

13. In **A.Kodanda Rao v. Government of A.P (supra),** this Court held as follows:

"17. …….. As the proposed exercise of revisional jurisdiction by the Director of Settlements after a lapse of thirteen years in the case covered by the Writ Appeal, and after a lapse of nineteen years in the case covered by the Writ Petition, is not an exercise of jurisdiction within a reasonable time, the proceedings of the Director of Settlements must be quashed."

14. In **Laxminarayana v. Joint Collector, Khammam (supra),** this Court held as follows:

"7. The contention is that since one of the assignees is a minor the assignment is liable to be set aside…….

"But nonetheless, merely because power is vested in any authority to revise the orders of the subordinate

> authorities *suo motu,* the power has to be exercised within a reasonable time…….
>
> It was also observed that the revisional jurisdiction *suo motu* must be exercised to advance the cause of justice and not to upset settled rights. In that case it was held that revisional power *suo motu* cannot be exercised after a period of 12 years. Admittedly, in this case, the power of revision is exercised after a period of ten years and there is no allegation in the show-cause notice that the assignment was obtained by playing fraud or misrepresentation. In the absence of such averment in the show-cause notice the power of cancellation of assignments cannot be exercised after a period of ten years…..”

15. In **S.Santhanam v. State of A.P, Revenue Department (supra),** this Court observed as follows:

> “17. If the present case is seen in the light of this judgment, one can safely say that the respondents could have not exercised their power after 30 years. The original assignment was made in the year 1953. Large number of third parties have acquired rights and interest in the lands during the passage of 30 years. One of the appellants is a Society, which purchased the lands from the original allottees. The layout plan was submitted by the Society to the Municipal Corporation, which was approved by the Municipal Corporation. Betterment charges were paid to the Corporation and this development of sanctioning the plan happened in the year 1969. Thereafter, the plots were allotted to the members of the Society, who appeared to be bonafide purchasers. Those purchasers have constructed buildings in their respective plots, investing huge sums of money and they are living in those houses. Even in one case, we were shown that the original pattedar sold land to a former Chief Justice of this Court and the Chief Justice sold it to another party. Now, if a person purchases the land from a former Chief Justice of the High Court, it would be reasonable for the purchaser to believe that the Chief Justice, who was selling the land, had the title over the land. In these circumstances, since the third parties interests got involved during the period of 30 years, therefore, in our view, the Government could not have exercised the power under Section 166-B of the Tenancy Act, after a lapse of 30 years.”

Admittedly, the assignments in favour of the predecessors in title of the vendors of the petitioners have been granted in the year 1961 and Supplementary Sethwar was granted in the year 1993. In view of the principle laid down in the aforesaid decisions of the Hon’ble Supreme Court as well as this Court, revisional power sought to be exercised by the 3rd respondent after long lapse of 15 years for cancellation of supplementary sethwar is erroneous and that too, without seeking for cancellation of original assignments made in favour of the predecessors in title of the vendors of the petitioners in the year 1961. As such, the contention of the learned Special Government Pleader that the revisional power under Section 166-B of the Land Revenue Act cannot be stalled on the ground of delay, cannot be accepted. Moreover, the alleged permission for initiation of proceedings for cancellation of Supplementary Sethwar is based on suspicion.

16. The 2nd respondent in his proceedings clearly held that the four grounds on which the District Collector relied on are not proved, but he only created suspicion that fraud was played in this case during the year 1992-1993. In **Union of India v. M/s.Chaturbhai M.Patel & Co.,**[13] wherein it is held as follows:

> "7. The High Court has carefully considered the various circumstances relied upon by the appellant and has held that they are not at all conclusive to prove the case of fraud. It is well settled that fraud like any other charge of a criminal offence whether made in civil or criminal proceedings, must be established beyond reasonable doubt; per Lord Atkin in A. L. N. Narayanan Chettyar v. Official Assignee, High Court Rangoon. However suspicious may be the circumstances, however strange the coincidences, and however grave the doubts, suspicion alone can never take the place of proof. In our normal life we are sometimes faced with unexplainable phenomenon and strange coincidences, for, as it is said, truth is stronger than fiction. In these circumstances, therefore, after going through the judgment of the High Court we are satisfied that the appellant has not been able to make out a case of fraud as found by the High Court. As such the High Court was fully justified in negativing the plea of fraud and in decreeing the suit of the plaintiff."

In the impugned proceedings, the 2nd respondent observed as follows:

> "a. there is no substantial or conclusive evidence to show that these lands were not assigned to ex-servicemen, and the patta certificates were issued to ex-servicemen in the year 1961, and they sold the lands after obtaining necessary permissions from competent

[13] (1976) 1 Supreme Court Cases 747

authorities and the names of purchasers are entered in revenue records as per the mutation orders given by the District Collector after thorough examination of the relevant record and accordingly Pattadar pass books and title deeds were also issued.

b. seeking permission for cancellation on the ground of difference of language and variance in the signatures of the officers is untenable and not based on any valid grounds.

c. statutorily the Collector cannot exercise powers under Section 166-B of AP (TA) Land Revenue Act, 1317 F on his own or on permission; and thereby interfering with the interests of the third parties.

d. Therefore the request for according permission, to initiate action for cancellation of supplementary sethwar, u/s.166-B of the A.P (TA) Land Revenue Act, 1317 F, can not be considered. However, if the matter warrants review, it must be taken up suo motu by the Revisional Authority above the District Collector level i.e., the Commissioner (Appeals) under delegated powers of CCLA, AP., Hyderabad under the said statue."

Even according to the 2nd respondent, there is no fraud played by the predecessors in title of the petitioners. Therefore, in view of the principle laid down in the aforesaid decision, it must be held that even where no period of limitation is prescribed, the authority vested with jurisdiction to exercise revisional powers *suo motu* should exercise the same within a reasonable time. As the impugned proceedings have been issued after lapse of 15 years, the same are not within reasonable time as observed by the Hon'ble Supreme Court as well as this Court referred to supra, the impugned proceedings are liable to be quashed and accordingly quashed.

17. **W.P.No.23913 of 2010** is filed declaring the action of the respondents in unlawful dispossession of the petitioners from the subject property.

15. Though this Court, by orders dated 27.09.2010, granted interim direction not to dispossess the petitioners until further orders, the respondents tried to dispossess the petitioners.

Aggrieved by the same, petitioners filed CC No.1498 of 2010 against the respondents. The said Contempt Case was closed on 26.11.2010 on the counter affidavit filed by the 1st respondent stating that they are not interfering with the possession of the petitioners.

In view of above facts and circumstances, both these writ petitions are allowed. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in these writ petitions, shall stand closed.

A.RAJASHEKER REDDY,J

14-02-2017
kvs

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION Nos.9707 of 2009 & 23913 of 2010

Date: 14.02.2017

kvs