

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.37082 OF 2015

ORDER:

This Writ Petition under Article 226 of the Constitution of India is filed by the petitioners seeking to call for the records relating to the order passed by the 2nd respondent in proceedings D.Dis.D4/5568/2014 dated 26.10.2015 confirming the orders passed by the 3rd respondent in D.Dis.(H) 50/1997 dated 15.12.2013 and set aside the same.

The case of the petitioners, as seen from the affidavit filed in support of the writ petition, is that petitioners and their predecessors are in possession and enjoyment of the lands covered by survey Nos.43/2, 757, 1418, 1420, 1425, 1426, 1437, 1460, 1505 to 1509, 1510, 1511, 1512 situated at Chandragiri Revenue Village. The then Tahasildar issued notice under Section 7 of the Madras Act 3 of 1905 (A.P. Land Encroachment Act, 1905). Thereafter, petitioners made applications for assignment of said lands in their favour. After following the procedure prescribed, petitioners were granted DKT pattas during the period 1974-1981 respectively. The names of the petitioners were also entered in ROR as pattadars and enjoyers of the respective land and pattadar pass books and title deeds were also issued in their favour. While things stood thus, the 3rd respondent vide proceedings in ROC No.E/50/1997 dated 12.02.2000 cancelled the pattadar passbooks and title deeds, without affording any opportunity to the petitioners. Questioning the same, petitioners filed W.P.No.7981 of 2000 & batch, which were disposed of by this Court, setting aside

the order dated 12.02.2000 and directing the petitioners to file objections treating the cancellation order as show cause notice. Pursuant to the same, petitioners submitted their detailed explanation. Vide proceedings in D.Dis.(H)50/1997 dated 15.12.2013, the 3rd respondent restored the pattadar pass books and title deeds of certain persons and cancelled not only the pattadar pass books and title deeds but also the assignments made in favour of the petitioners. Aggrieved thereby, the petitioners filed revision under Section 9 of the A.P. Rights in Land and Pattadar Pass Books Act, 1971 before the second respondent. Without considering the objections of the petitioners in proper perspective, the second respondent dismissed the revision without assigning any reasons vide proceedings in D.Dis.D4/5568/2014 dated 26.10.2015. The said orders passed by the second respondent and third respondent are challenged in this Writ Petition.

On 21.03.2016, while admitting the writ petition, this Court granted interim stay. Seeking to vacate the said interim order, WVMP No.3507 of 2016 came to be filed by the learned Government Pleader for Assignment disputing the averments made in the affidavit filed in support of the writ petition.

Heard both sides and perused the material on record.

The main ground urged by the learned counsel for the petitioners is that the Revenue Divisional Officer has no power to cancel the patta granted and it is only the Joint Collector who is empowered to do so. The said fact is not seriously disputed by the learned Government Pleader.

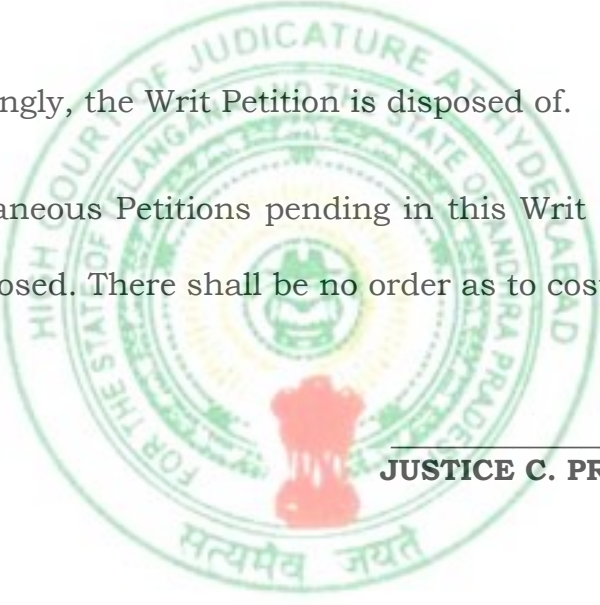
On 21.03.2016, this Court granted interim order on the ground that under paragraph No.18 of Board Standing Order No.15, the competent authority for cancelling DKT patta is the Collector and not the R.D.O.

Having regard to the above, the orders passed by respondents 2 and 3 are set aside and the matter is remanded back to the Joint Collector to pass orders afresh in accordance with law, within a period of four weeks from the date of receipt of a copy of this order, after hearing the writ petitioner and unofficial respondents.

Accordingly, the Writ Petition is disposed of.

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

12.04.2017
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JUSTICE C. PRAVEEN KUMAR