

THE HON'BLE THE ACTING CHIEF JUSTICE
RAMESH RANGANATHAN

&

THE HON'BLE SMT JUSTICE T. RAJANI

WRIT APPEAL No.881 of 2017

JUDGMENT: (Per Hon'ble the Acting Chief Justice Ramesh Ranganathan)

The specific plea taken in the writ affidavit is that the Revenue Divisional Officer lacks jurisdiction under Section 5(5) of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act') to cancel the pattadar pass books and title deeds. While the matter was, no doubt, remanded by the Revenue Divisional Officer to the Tahsildar, the question which arose for consideration was whether the Revenue Divisional officer (Appellate Authority) had the power to entertain an appeal and cancel the pattadar pass books and title deeds.

Sri V. Mallik, learned counsel appearing on behalf of the appellant-writ petitioner, would submit that this question is no longer *res integra*, and is squarely covered by the judgment of a Division Bench of this Court in RATNAMMA v. REVENUE DIVISIONAL OFFICER, DHARMAVARAM¹.

As the question whether the Revenue Divisional Officer lacks jurisdiction, in the exercise of his appellate power under Section 5(5) of the Act, to cancel the pattadar pass books and title deeds has not been examined by the learned Single Judge in the order under appeal, we consider it appropriate to set aside the said order, and restore the writ petition to file.

¹ 2015(6) ALD 609 (DB)

The writ appeal is disposed of accordingly. Consequently, pending miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

RAMESH RANGANATHAN, HACJ

T. RAJANI, J

July 10, 2017
DSK

