

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.12877 of 2006

ORDER :

Petitioners have filed this Writ Petition assailing the order dt.09-05-2006 in Case No.D5/2248/2006 passed by the 1st respondent.

2. Respondent Nos.2 to 4 filed an application on 03-05-2006 before the 1st respondent complaining that the Mandal Revenue Officer, Maheshwaram Mandal was not disposing of their applications for grant of Pattadar passbooks and title deeds and asserting that they had purchased the land in Sy.Nos.77, 78, 90, 91, 92 and 97 of Uppuguda Mansanpally Village, Maheshwaram Mandal, Ranga Reddy District.

3. It is stated therein that the land purchased by respondent Nos.2 to 4 is under unauthorised possession of third parties and they also be evicted.

4. On this application, the impugned order was passed directing the petitioners as well as respondent Nos.2 to 4 to maintain *status quo* till the next date of hearing on 06-06-2006.

5. Sri P.V.Ramana, learned counsel appearing for respondent Nos.5 to 24 contended that basing on the alleged order passed by the 1st respondent, the petitioners are interfering with the enjoyment of their land.

6. Learned counsel for petitioners contends that though under Section 9 of the A.P. Rights in Land and Pattadar Pass Books Act, 1971 (for short “the Act”), the 1st respondent has *suo motu* power to call for and examine the record of any recording authority i.e. Mandal Revenue Officer or Revenue Divisional Officer under Sections 3, 5, 5-A and 5-B of the Act in respect of any Record of Rights maintained, examine and take steps to revise the same, in the present case, the record of no Mandal Revenue Officer or the Revenue Divisional Officer or any other official under the provisions of the Act has been called for by the 1st respondent and obviously, the 1st respondent was trying to evict the petitioners from the land in their occupation under the guise of his power under Section 9 of the Act.

7. Learned Government Pleader appearing for 1st respondent also could not satisfy the Court as to how the 1st respondent could act as the original authority to decide the dispute between private parties when there is no order passed by any authority under the Act, whose revision is sought before him. Therefore it is clear that the action of the 1st respondent is without jurisdiction and not *bona fide*.

8. Sri C.R. Pratap Reddy, learned counsel for respondent Nos.2 to 4 sought to justify the order passed by the 1st respondent on the ground that since applications before the Mandal Revenue Officer filed by his clients were pending and since he was not doing anything, his clients were compelled to approach the 1st respondent.

9. Be that as it may, this plea of respondent Nos.2 to 4 also cannot confer jurisdiction on 1st respondent, which he does not possess and empower him to pass orders, which are not permitted to be passed under the provisions of the Act.

10. Therefore, the impugned order is set aside and the Writ Petition is allowed with costs of Rs.2,000/- (Rupees Two Thousand only) to be paid by 1st respondent to petitioners. Respondent Nos.2 to 4 as well as respondent Nos.5 to 24 are given liberty to approach any competent forum to establish their rights vis-à-vis the petitioners.

11. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.



JUSTICE M.S.RAMACHANDRA RAO

Date : 30-01-2017

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