

HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.40577 OF 2016

ORDER:

Heard Mr.J.Suresh Babu for petitioner, the Assistant Government Pleader (Revenue) for respondents 1 to 4 and Mr.K.Kishore Kumar for respondent No.5.

The petitioner challenges order in Case No.D1/62/2016 dated 17.09.2016 as violative of principles of natural justice and also Section 9 of the A.P. Rights in Land and Pattadar Passbooks Act, 1971 (for short 'the Act').

Section 9 of the Act reads thus:

“Revision :- The Collector may either *suo motu* or on an application made to him, call for and examine the record of any Recording Authority, Mandal Revenue Officer or Revenue Divisional Officer under Sections 3, 5, 5-A or 5-B, in respect of any record of rights prepared or maintained to satisfy himself as to the regularity, correctness, legality or propriety of any decision taken, order passed or proceedings made in respect thereof and if it appears to the Collector that any such decision, order or proceedings should be modified, annulled or reversed or remitted for reconsideration, he may pass orders accordingly.

Provided that no such order adversely affecting any person shall be passed under this section unless he had an opportunity of making a representation.”

The 2nd respondent in purported exercise of jurisdiction under the above section finds fault with the procedure followed by the Revenue Divisional Officer in File No.D/2067/2013 and allows the revision. The 2nd respondent under Section 9 of the Act examines the legality, propriety, regularity and expresses a view on the

cancellation or continuation of entries in the Record of Rights. In the order impugned in the writ petition, such exercise has not been undertaken by respondent No.2. Further, the order does not show that the petitioner herein who was arrayed as sole respondent was put on notice before the order impugned in the writ petition is passed.

After taking note of the procedural irregularity in exercise of jurisdiction under Section 9 of the Act, both the counsel consent to setting aside the order impugned in the writ petition and remitting the case to 2nd respondent for consideration and disposal in accordance with law.

The writ petition is, accordingly, ordered by setting aside the order impugned in the writ petition and remitting the case to 2nd respondent for consideration and disposal in accordance with law. There shall be no order as to costs.

Consequently, pending miscellaneous petitions, stand closed.

06th September, 2017

Lrkm

S.V.BHATT, J