

HON'BLE SRI JUSTICE S.V. BHATT

W.P. No.36861 OF 2013

ORDER:

The petitioner aggrieved by LDis.No.2251/2013-E1 dated 13.11.2013 has filed the instant writ petition.

The 2nd respondent passed the following endorsement:

"ENDORSEMENT

Sub: House site pattas-Srikakulam District-Rajam Mandal-Revision Petition filed by Smt.Kasina Padma w/o.Ramana, Kancharam (V) , Rajam Mandal, against the orders of the RDO, Palakonda-Revision Petition rejected-Regarding.

Ref: Revision petition filed by Smt.Kasina Padma w/o.Ramana, Kancharam Village, Rajam Mandal Dt.26.10.2013.

In the reference cited, you have filed a Revision Petition against the orders of the Revenue Divisional Officer, Palakonda vide Rc.No.2024/2008 Dt.29.10.2008 regarding cancellation of house site patta in Sy.No.121, measuring an extent of Ac.0.02 cents of Rajam Village.

In this connection, it is informed that the Revision Petition not filed within the stipulated time i.e. within 90 days as per assignment rules, hence, the Revision Petition is rejected filed by you.

Sd/-Noor Bhasha Khasim,
For Collector, Srikakulam."

Mr.Smhadri appearing for petitioner contends that the power of 2nd respondent in the matter of assignment is wide enough. Assuming without admitting the filing of revision suffered with delay or laches, the revision ought not to have been rejected but should have been returned to enable the petitioner to re-present with a petition to condone the delay. He alternatively contends that this Court if considers and examines the orders of 3rd and 4th

respondents, it would be sufficiently clear that without actually putting the petitioner on notice or affording opportunity of hearing, a few findings are recorded on the eligibility or entitlement of petitioner which resulted in cancellation of assignment and thereby the petitioner suffered prejudice in the orders passed by 3rd and 4th respondents.

The Assistant Government Pleader (Assignment) submits that the petitioner is not entitled for grant of patta. The reasons stated by 3rd and 4th respondents are tenable and no exception can be taken. On the objection of serving of notice, the counsel relies upon the stand taken in the counter affidavit.

I have heard the learned counsel and taken note of the averments in this behalf. Prima facie, this Court is of the view that the 2nd respondent having regard to the extent of jurisdiction and discretion he enjoys in the matter of assignment firstly, ought to have entertained the revision, secondly, if the revision is filed with delay, he should have called upon the petitioner to file a petition for condonation of delay and thereafter considers the matter in accordance with law. The rejection of revision with endorsement referred to above having regard to the fundamental objection the petitioner is raising, is unsustainable. The impugned endorsement is set aside, matter is remitted to 2nd respondent. The petitioner is given liberty to file affidavit explaining the reasons for delay and also raise additional grounds, if any, in this behalf by enclosing a copy of this order and thereafter, the 2nd respondent is directed to

hear the revision on merits and dispose of in accordance with law.

The interim order dated 18.02.2014 is directed to be maintained till the application for delay and the revision petition are heard and disposed of.

The writ petition is ordered accordingly. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT, J

Date:26.07.2017
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