

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.23301 OF 2004

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is preferred by the petitioner seeking to declare the orders in Ref.No.B1/1041(2)/2004 dated 14.11.2004 passed by the 2nd respondent-Revenue Divisional Officer as illegal and arbitrary.

The averments in the affidavit filed in support of the writ petition would show that the petitioner was granted D-Form patta vide DKT No.30/96 dated 14.08.986 assigning agricultural land admeasuring Acs.4.11 cents in survey No.795 of Munnelli Village, B.Koduru Mandal. Since the date of assignment, the petitioner has been in continuous possession and enjoyment of the said land, got entered his name in revenue records and pattadar pass book and title deed vide patta No.1093 were also issued in his favour. It is further averred that while the matter stood thus, the 2nd respondent issued notice dated 27.09.2004 directing the petitioner to appear before him along with documents on 04.10.2000 in connection with a representation submitted by some villagers of Govindayapalli Village alleging tampering of records in survey No.795. In pursuance thereto, the petitioner appeared before the 2nd respondent and submitted all relevant documents. It is the grievance of the petitioner that the 2nd respondent passed the impugned order, setting aside the entries made in his favour in revenue records without having any jurisdiction to do so. Questioning the same, present writ petition is filed.

Learned Government Pleader for Assignment filed W.V.M.P.No.1186 of 2015 seeking to vacate the interim order passed by this Court on 15.12.2004 along with counter affidavit opposing the averments made in the writ petition.

The main ground urged by the learned counsel for the petitioner is that the second respondent has no jurisdiction to pass the impugned order since he has no power to entertain an application *suo motto*. It is his argument that the exercise of *suo motto* power came to be incorporated in the Act by way of Section 5 (B) (2) in the year 2012, which has no retrospective effect.

As seen from the counter affidavit, it is the case of the respondents that as against the order passed by the 2nd respondent on 14.11.2004, a revision came to be preferred by S.Ramulu and S.Maddi Reddy before the Joint Collector on 18.12.2004. After due enquiry, the Joint Collector, Kadapa, vide Proceedings Ref.E3/3605/2004 dated 20.01.2005 and Ref. D.Dis./E3/3604/2004 dated 16.03.2005 remanded the matter to the 2nd respondent for conducting fresh enquiry after inspecting the lands with the assistance of the Assistant Director, Survey and Land records, Kadapa. No reply is filed by the petitioner to the counter affidavit filed by the 2nd respondent.

From the above, it is clear that against the order passed by the 2nd respondent, which is the subject matter of challenge in the present writ petition, a revision was filed before the Joint Collector, Kadapa, who by his order dated 20.01.2005 set aside the impugned order and remanded the matter back for conducting

fresh enquiry. In view of the same, the question of entertaining the writ petition would not arise.

Hence, the Writ Petition is closed granting liberty to the petitioner to avail the remedies, if any, available under law.

Miscellaneous petitions pending in this writ petition, if any, shall stand closed. No order as to costs.

C. PRAVEEN KUMAR, J

Date: 19.01.2017
sur

