

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No. 5565 OF 2017

ORDER:

This writ petition is filed challenging the Memo No.G/99/2014, dated 14.06.2014, issued by the 2nd respondent wherein the petitioner was asked to file appeal before the Joint Collector under the provisions of the A.P.Rights in Land and Pattadar Pass Books Act, 1971 (*for short 'the Act'*).

Learned counsel for the petitioners submits that when petitioners made a representation before the 4th respondent for rectification of the wrong entries in revenue records in respect of the subject lands, the 4th respondent conducted enquiry and recorded the statements of the petitioners and submitted a report to the 2nd respondent. Subsequently, the 2nd respondent issued notice dated 03.02.2014 directing all the parties to attend the enquiry with documentary evidence. Thereafter, the petitioners attended the enquiry and submitted documents. Later, the 2nd respondent issued impugned memo directing the parties to file appeal before the Joint Collector. He further submits that basing on the report of the 4th respondent, the 2nd respondent can pass orders, but, inspite of passing orders, the 2nd respondent issued impugned memo, which is illegal.

Learned Assistant Government Pleader for Revenue submits that petitioners can as well file revision under Section 9 of the A.P. Rights in land and Pattadar Pass Books Act, 1971, because revision is maintainable against any orders of the Revenue Divisional Officer, under the provisions of the Act.

Learned Counsel for the 5th respondent submits that there are serious disputed questions of fact regarding title and possession of the subject property and the 5th respondent was issued pattadar pass books and title deeds and she is in possession of the subject property claiming rights basing on the 'will' executed by the father of her husband; that the revenue authorities cannot consider all these aspects; and that the petitioners have to approach the civil Court for redressal of their grievance.

In this case, it is to be seen that the 4th respondent submitted a report to the 2nd respondent-Sub Collector and it is stated by the 2nd respondent that the entire report has been submitted to the Joint Collector.

In view of the facts and circumstances, it is open for the petitioners to file revision under Section 9 of the Act before the Joint Collector, Mancherial District, within a period of two weeks from today and on filing of revision by the petitioners, the Joint Collector shall consider and dispose of the same

after issuing notice and affording opportunity of hearing to the petitioners as well as 5th respondent, within a period of three months from the date of filing of the revision. It is also open for the 5th respondent to raise all her objections before the Joint Collector, Mancherial District.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, shall stand closed.

26.04.2017
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A.RAJASHEKER REDDY,J