

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 24421 of 2008

ORDER:

The present writ petition came to be filed challenging the jurisdiction of the first respondent in suo-moto taking up the appeal under Section 24 of the Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955 (for short, 'the Act'), as illegal and arbitrary.

2. It is the case of the petitioner that the RDO passed an order declaring the petitioner as the owner of the land in dispute under Section 9(2) of the Act and subsequently, the first respondent has suo-moto taken up the matter and set aside the findings of the Inams Tribunal-RDO, Chevella vide order dated 29.09.2007. Challenging the action of the first respondent in suo-moto taking up the case and setting aside the order dated 28.10.2004, the present writ petition came to be filed.

3. It is to be noted that by an order dated 28.10.2004, the Revenue Divisional Officer, declared the petitioner as the owner of the land in dispute therein under Section 9(2) of the Act. Though the order was passed in the month of October, 2004, none of the aggrieved persons have preferred any appeal. Even the State has not preferred any appeal. But, however, the first respondent, suo-moto took up the matter under Section 24 of the Act, and set aside the findings of the Inams Tribunal-RDO, Chevella.

4. The short question that arises for consideration is ‘whether the first respondent was right in taking up the matter, suo-moto, under Section 24 of the Act?’

5. The issue is no more *res-integra* in view of the judgment of this Court in *Mohd.Ahmadullah Khan Vs. Joint Collector, Hyderabad*<sup>1</sup>, wherein it was held that the Joint Collector can examine the matter only when an appeal is brought before him by an aggrieved party, in terms of Section 24 of the Act.

6. In view of the ratio laid down in the judgment referred to above, it is clear that the Joint Collector, has no jurisdiction to take up the matter suo-moto. Apart from that, the other two grounds raised by the petitioner are with regard to delay in taking up the matter and also as to whether the first respondent has jurisdiction to take up the matter, when the order is passed under Section 9 of the Act?

7. Learned counsel appearing for the petitioner would submit that under Section 24 of the Act, any person aggrieved by the decision of the Collector passed under Section 10 of the Act, shall file an appeal within 30 days.

8. Section 10 of the Act reads as under:

“10. Enquiry by Collector in certain cases: The Collector shall examine the nature and history of all lands in respect of which an inamdar, Kabiz-e-Kadim, permanent tenant, protected tenant or non-

---

<sup>1</sup> 2009 (3) ALT 598

protected tenant, claims to be registered as an occupant under Sections 4, 5, 6, 7 and 8 as the case may be, and decide –

- a. in whose favour, and in respect of which inam lands, the claims should be allowed;
- b. the land revenue and the premium payable in respect of such lands.”

9. A reading of Section 10 of the Act would show that the authority is empowered to deal with the cases falling under Sections 4,5,6,7 and 8 of the Act, and not those falling under Section 9 of the Act. Section 9 has been specifically excluded from the ambit of Section 10 of the Act. On the other hand, proviso (2) to Section 24 of the Act postulates that ‘if any question arises as to whether any building or land falls within the scope of Section 9, the same shall be referred to the prescribed authority, whose decision shall be final’.

10. Therefore, on either counts, this Court is of the view that the first respondent was not justified in taking up the case.

11. At this stage, learned Government Pleader would submit that the prescribed authority may not be prevented to take up the matter, in accordance with law, since the land relates to Hussain Sagar Tank Bund area, which if allowed to be encroached, would lead to number of environmental hazards.

12. Having regard to the above, the writ petition is allowed setting aside the order dated 29.09.2007 passed by the first respondent in Case No.F1/ 3449/ 2006. However, liberty is given to

the prescribed authority, to proceed in accordance with law, if any. There shall be no order as to costs.

As a sequel thereto, Miscellaneous Petitions pending if any in this Writ Petition, shall stand closed.

---

C. PRAVEEN KUMAR, J

05.09.2017  
vnb

