

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.6122 OF 2017

O R D E R

The case of the petitioner is that he purchased the land in an extent of Acs.4-02 gts situated in Sy.No.11 of Puttguda village, Jinnaram Mandal, Medak District under registered sale deed dated 8.7.2004, from one Koyyada Narasimha, who in turn purchased the same from the original pattadar Kanchanapalli Yadaiah under sale deed dated 26.2.2004. After purchase, when the petitioner sought for mutation of his name in the revenue records, the 3rd respondent – Tahsildar/Mandal Revenue Officer, by proceedings in Lr.No.C/1583/2004 dated 27.11.2004 held that the lands are assigned lands and directed the Mandal Revenue Inspector to take possession and also to make necessary entries in the revenue records by inserting the name of Government by deleting the name of the original pattadar Yadaiah. Challenging the same, the petitioner filed appeal before the 2nd respondent – Revenue Divisional Officer. By order dated 17.09.2016 in Appeal No.G/679/2011, the 2nd respondent allowed the appeal and directed to take action for restoring the name of K.Yadaiah, as pattadar and possessor, while treating the subject land as patta land. Against the said order, the 3rd respondent – Tahdildar filed revision under Section 9 of A.P. Rights in Land and Patedar Pass Books Act, 1972 (for short 'the ROR Act'). The 1st respondent - Joint Collector, Sangareddy, by proceedings No.F3/3465/2016 dated 2.2.2017 passed interim orders to maintain status quo with regard to possession and also entries in the revenue records, till further orders. Aggrieved by the same, the present writ petition has been filed.

The learned counsel for the petitioner submits that the 2nd respondent – Revenue Divisional Officer passed order dated 17.9.2017 allowing the appeal filed by the petitioner under the provisions of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the POT Act'), but the 3rd respondent filed revision before the 1st respondent – Joint Collector under Section 9 of ROR Act. Therefore, entertaining the appeal by the 1st respondent – Joint Collector, is without jurisdiction and the impugned interim order of status quo, is null and void and accordingly liable to be set aside. The learned counsel submits that under the guise of interim orders, the authorities are trying to allot the subject land to third parties and hence sought for a direction not to allot the subject land to any third parties.

On the other hand, the learned Assistant Government Pleader for Revenue submits that under Section 4(B) of POT Act, the District Collector has power to entertain revision. He further submits that under the District Collector Delegation of Powers Act, the powers of District Collector are also conferred on the Joint Collector. Accordingly, the 1st respondent – Joint Collector in exercise of delegated legislation, passed the interim order pending the revision and the same may not be interfered with in this writ petition.

As the revision is pending before the 1st respondent – Joint Collector, it is open for the petitioner to raise all the objections available under law before the said authority, including the one of jurisdiction. The 1st respondent after affording the opportunity of hearing to the parties, shall dispose of the revision in accordance with law. Till the disposal of the revision by the 1st

respondent – Joint Collector, the subject land shall not be allotted to any third parties.

With the above direction, the writ petition is disposed of. No costs.

A.RAJASHEKER REDDY,J

DATE:22—02—2017

AVS

