

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.15637 OF 2017

ORDER:

This writ petition is filed declaring the action of the 2nd respondent in entertaining the ROR Appeal bearing No.B/ROR/805/2017 dated 04.04.2017 preferred by the 1st respondent arising out of the proceedings in Lr.No.G/2701/2016, dated 28.03.2017.

Learned counsel for the petitioner submits that impugned notice is issued basing on the letter of the Tahsildar for cancellation of proceedings in G/2701/2016 dated 16.11.2016 wherein and whereby the Tahsildar granted mutation in favour of the petitioner. He also submits that having granted mutation in favour of the petitioner vide G/2701/2016, dated 16.11.2016, the MRO could not have filed appeal and it is affected parties who can file appeal. As such, the impugned notice is without jurisdiction.

On the other hand, the learned Assistant Government Pleader for Revenue submits that after issuing proceedings dated 16.11.2016, the Tahsildar found that some fraud has been committed and submitted a report dated 28.03.2017 asking RDO, Shadnagar, to take up the issue as appeal under Section 5(B) of A.P.Rights in Land and Pattadar Passbooks Act, 1971 (for short 'the Act').

A reading of Section 5-B(1) (2) reads as follows:

“The Revenue Divisional Officer may *suo-motu* call for record of a case or proceedings from the Recording Authority and inspect it in order to satisfy himself that the order or decision passed or the proceedings taken is regular, legal and proper and make suitable order in that behalf:

Provided that no order or decision affecting the rights of the parties shall be made, unless the concerned parties are given a notice and hearing and such order, shall, subject to revision under Section 9, be final”

No doubt RDO has power to initiate *suo moto* proceedings. But in this case, only objection of the petitioner is that basing on the report of the Tahsildar, the appeal has been taken up. But basing on the information provided, if the 2nd respondent thought it fit to entertain the *suo moto* appeal, the same cannot be faulted.

In view of the above, it is for the 2nd respondent to entertain the *suo moto* appeal. This Court is not inclined to interfere with the same. Accordingly the writ petition is dismissed. However, since, it is only notice to the petitioner, petitioner can submit his objections before the 2nd respondent. No costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

28.04.2017
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