

THE HON'BLE SRI JUSTICE M.S. RAMACHANDRA RAO

WRIT PETITION No.38032 OF 2017

ORDER:

Heard learned counsel for the petitioner. Learned Government Pleader (Revenue) for respondents 1 to 5.

The petitioner's case is that he owns property to an extent of Ac.1.10 cents in Survey No.96/B and 0.31 cents in Survey No.69 of Vegur village, Kovvur Mandal of Nellore district, but Pattadar Pass Book and title deed has been issued in respect of the said land to the 6th respondent; that petitioner then preferred an appeal to the 4th respondent seeking cancellation of the same; that 4th respondent directed the petitioner to approach Civil Court, by order dt.4.8.2016; and when the petitioner filed Revision against the same before the 3rd respondent, the 3rd respondent confirmed the order of the 4th respondent.

The petitioner contends that the 4th respondent as well as the 3rd respondent erred in passing the said orders, since the 6th respondent fabricated certain documents and obtained Pattadar Pass Book and title deeds.

Learned Government Pleader (Revenue) appearing for respondents states that the very appeal preferred by the petitioner before the 4th respondent seeking cancellation of Pattadar Pass Book and title deed issued to the 6th respondent is not maintainable in view of the judgment of this Court in K. RATNAMMA vs. R.D.O. DHARMAVARAM¹

This legal position is not disputed by the counsel for the petitioner.

In this view of the matter, the order dt.4.8.2016 of the 4th respondent is without jurisdiction. Consequently, the 3rd respondent could not have

¹ 2015 (6) ALT 609

confirmed it. So, the said order, as well as the order of the Joint Collector against the said order, are both held to be without jurisdiction.

The said orders of respondents 4 and 3 are accordingly, set aside and the petitioner is directed to avail appropriate remedy before the appropriate Forum for appropriate relief and the said Forum shall decide petitioner's grievance uninfluenced by the orders passed by respondents 4 and 3 referred to above.

Writ Petition is disposed of. No order as to costs. Miscellaneous Petitions, if any, filed in this Writ Petition shall stand closed.

Dated: 13.11.2017
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JUSTICE M.S.RAMACHANDRA RAO

