

THE HON'BLE SRI JUSTICE S.V.BHATT

W.P. No.22190 of 2007

ORDER:

Heard P.Lakshmi Priya holding for Mr.P.V.Ramana, learned counsel for petitioner and the learned Assistant Government Pledar (Revenue).

The petitioner challenges the proceedings of respondent purportedly issued under A.P.Rights in Land and Pattadar Pass Books Act, 1971 (*for short 'the Act'*), purporting to recall the succession granted to petitioner and also the entries made in the record of rights.

Ms.P.Lakshmi Priya appearing for petitioner vehemently contends that the respondent does not have the jurisdiction of review of his own orders passed on earlier occasion either entering the name of the petitioner on record of rights or issuing succession to petitioner for Sy.No.22. At best, if an illegality or irregularity is found by the respondent, the respondent on his own cannot pass order upsetting his earlier orders, who ought to forward report to District Collector under Section 9 of the Act. The District Collector, thereafter, could have followed the procedure and afforded opportunity to petitioner and if circumstances warrant exercising one or the other grounds under Section 9 of the

Act could have passed the order. In other words, the counsel for petitioner contends that respondent has exercised jurisdiction of appellate or revisional authority under the Act and passed orders in the writ petition.

This Court on 17.10.2007 granted interim stay of proceedings impugned in the writ petition. The orders are subsisting as on date. The respondent has not filed counter affidavit. For this is one of the old writ petitions, request of the Assistant Government Pleader for time is rejected. The writ petition is considered on merits by referring to the record.

Prima facie, the following circumstances emerge from the record.

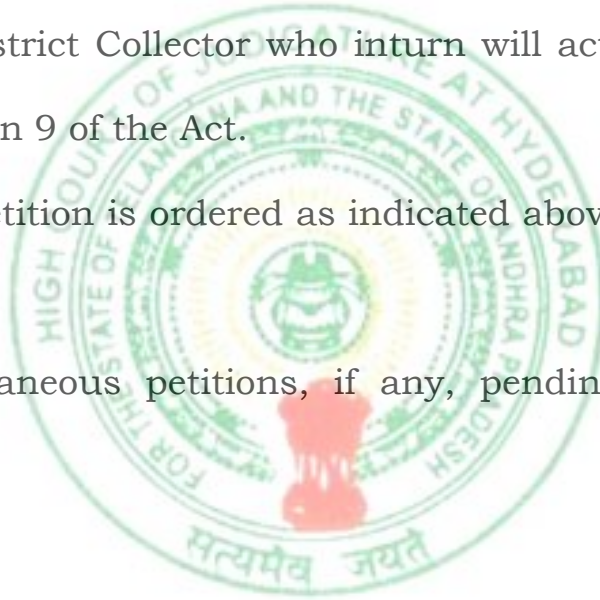
- (a) According to respondent, there are Sy No. 22-P for an extent of Ac.8-30 gts and Sy.No.22-P for an extent of Ac.9-30 gts and one of the Survey numbers does not belong to petitioner or petitioner's family, but it's a Government land, but erroneously succession and record of rights are granted to petitioner.
- (b) Assuming, without admitting, these infirmities are noticed either in the succession granted to petitioner or that Government land is also included in the record of right standing in the name of petitioner, the respondent herein at best could have forwarded a report to District Collector under Section 9 of the Act and the District Collector in

the vide jurisdiction conferred by Section 9 of the Act could have passed orders in accordance with law.

Prima facie, this Court is in agreement with the contention urged by P.Lakshmi Priya. Hence, the proceedings impugned in the writ petition are set aside as illegal and amount to exercising review jurisdiction by respondent. The respondent, if circumstances warrant and wishes to have a detailed enquiry into inclusion of Government land in private land, is given liberty to send a report to District Collector who intturn will act in the matter under Section 9 of the Act.

Writ petition is ordered as indicated above. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.



S. V. BHATT, J

Dt: 12.03.2018
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