

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.11386 OF 2018

DATE: 09.04.2018

Between :

Ganta Satyanarayana s/o. Narasimha Murthy,
Aged 65 years, occu: Cultivation, r/o.Cherukuwada village,
Penugonda Mandal, West Godavari district.

.... Petitioner

And

The State of Andhra Pradesh, rep.by its Principal
Secretary, Revenue Department, Secretariat,
Velagapudi, Guntur District and others.

.... Respondent



The Court made the following:

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.11386 OF 2018

ORDER :

Alleging that the appeal preferred by the petitioner to the Joint Collector, is not disposed of and the Tahsildar is threatening to dispossess the petitioner, this writ petition is filed.

2. The facts on record would disclose that on 07.09.2017 Tahsildar passed orders holding that the provisions of A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act, 1977') are violated as the assignee sold the land, the order of resumption was passed. Aggrieved thereby petitioner preferred appeal to the Revenue Divisional Officer, Kovvur, West Godavari District. By order dated 04.01.2018, the Revenue Divisional Officer confirmed the decision of Tahsildar. Against the decision of the Revenue Divisional Officer, petitioner preferred further appeal to the Joint Collector.

3. Section 4-A of the Act, 1977 vests right in an aggrieved person to prefer appeal against the decision of Tahsildar. Such appeal would lie to the Revenue Divisional Officer. As per Section 4-B of the Act, 1977, against the decision of Revenue Divisional Officer, revision lies to the District Collector.

4. Learned counsel for the petitioner places reliance on Sub-Section (2) of Section 4-A of the Act, 1977 to contend that appeal shall lie to the District Collector against the decision of RDO.

5. A cumulative reading of provisions in Section 4-A & 4-B of the Act, 1977, it is clear that no second appeal is provided under Sub-Section (2) of Section 4-A of the Act, 1977 on a decision made

by Revenue Divisional Officer under Section 4-A (1) of the Act, 1977. Merely because the Revenue Divisional Officer observes that appeal would lie, does not confer the second appellate jurisdiction on the District Collector and therefore, *per-se* the appeal preferred before the District Collector is not maintainable.

6. Learned counsel for petitioner placed reliance on the decision of this Court in **Narapareddy Bujamma v. District Collector, Nellore and others**¹ to contend that further appeal is also maintainable to the District Collector. In paragraph-9 of the judgment, Court only observed that petitioner has not availed the remedy of appeal and in that context mentioned about preferring appeal to the Revenue Divisional Officer and to the District Collector. This Court has not declared law holding that second appeal is maintainable to the District Collector as sought to be contended.

7. At this stage, learned counsel for petitioner submits that since the Revenue Divisional Officer held petitioner can prefer appeal, he preferred appeal to Joint Collector and prays to direct the Joint Collector to treat the same as revision filed under Section 4-B of the Act and to consider the revision.

8. Having regard to the said submissions, writ petition is disposed of directing the Joint Collector/District Collector to treat the appeal preferred by petitioner as revision, if the same is received and pending consideration and pass appropriate orders as warranted by law within a period of eight weeks from date of receipt of this order after affording due opportunity. It is also open

¹ 2005 (6) ALT 235

to the revisional authority to consider the interlocutory application pending disposal of revision within a period of two weeks from the date of receipt of copy of this order. Till the orders are passed on interlocutory application, *status quo* obtaining as on today shall be maintained.

Miscellaneous petitions if any pending shall stand closed.

No costs.

JUSTICE P.NAVEEN RAO

Date: 09.04.2018

Note: Issue CC in two days
(B/o.)
Rds/kkm



HON'BLE SRI JUSTICE P.NAVEEN RAO



WRIT PETITION NO.11386 OF 2018

DATE: 09.04.2018

Rds/kkm