

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.Nos.948, 950, 952 & 957 of 2006

COMMON ORDER

Since the issue involved in all these writ petitions is one and the same, they are being disposed of by this common order.

The impugned orders passed by the respondents in all the cases are one and the same, except the number of the proceedings. For the sake of convenience, the facts in W.P.No.948 of 2006 are referred to herein.

The petitioners in all these cases have purchased a total extent of Ac.11.00 by way of different registered sale deeds in 1983 & 1984 and after purchasing the said land, the petitioners have submitted applications before the competent authority under the provisions of A.P. Rights in Lands and Pattadar Pass Books Act, 1971 (for short 'the Act') for mutation of the records. The revenue authorities accordingly mutated the names of the petitioners in the revenue records and issued pattadar pass books in their favour. While the petitioners were in peaceful possession and enjoyment of the same, the 1st respondent has taken *suo motu* revision under Section 9 of the Act for correction of entries in the revenue records at

Vattinagulapally in pursuance of the report of the Mandal Revenue Officer on 24.12.2003. The petitioners through their counsel requested the Joint Collector to adjourn the case and give an opportunity of filing counter-affidavit, but the same was not accepted and the Joint Collector had passed the impugned orders straight away on 27.03.2004 wherein it was held that the lands in question are agricultural Ceiling Surplus and the Government had assigned the land in favour of one Begari Gandaiah and he has sold away the land in violation of the conditions of assignment and therefore, the orders of the Mandal Revenue Officer, mutating the names of the petitioners under provision read with Section 20 (2) of the Andhra Pradesh Rights in Land and Pattadar Pass Books rules, 1989 are illegal, and accordingly, the entries made in the revenue records in favour of the petitioners were set aside.

The grievance of the petitioners is that no opportunity was given to them to contest the *suo motu* revision initiated by the 1st respondent.

A perusal of the impugned orders discloses that the advocate appearing for the petitioners has filed a memo and requested time to file vakalat as the petitioners were abroad at that relevant point of time. But the Joint Collector without

adjourning the case, straight away disposed of the revision on 27.3.2004.

Learned counsel appearing for the petitioners contends that the impugned orders were passed without giving any reasonable opportunity to the petitioners, and that *suo motu* powers exercised by the 1st respondent are not in accordance with law.

Learned Government Pleader contends that the Joint Collector has rightly passed the impugned orders as per the records and therefore, no interference is called for from this Court.

I have considered the submissions made by the learned counsel on either side. This Court is of the considered view that ends of justice would be met if the matters are remanded to the 1st respondent to pass fresh orders by duly setting aside the impugned orders dated 27.3.2004 passed by the Joint Collector.

Accordingly, all the Writ Petitions are disposed of setting aside the impugned orders dated 27.3.2004 and directing the 1st respondent to pass fresh orders, after affording an opportunity of hearing to all the contesting parties, within a period of four weeks from the date of receipt of a copy of this order.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

16th March, 2018
rkk

