

HON'BLE SRI JUSTICE S.V. BHATT

W.P. No.20043 OF 2018

ORDER:

Heard Ms.Sunitha holding for Mr.V.H.V.R.R.Swamy for petitioner and the learned Assistant Government Pleader for Assignment.

The petitioner prays for the following relief:

“..WRIT OF MANDAMUS declare the inaction of respondents in passing any order on the petitioner revision and stay petition filed against the orders of the Joint Collector Krishna at Machilipatnam in File No REV-ESECOLAS (APL)/2/2015-JA(E5)-KCO dated.. 10-2017 is illegal arbitrary and violation of Principles of Natural Justice...”

Ms.Sunitha relies on the decision of this Court in Bodugu Purnachandrasekhara Rao v. Government of A.P.¹ which reads as follows:

“Learned Counsel for the petitioner placed reliance on Section 4-B of the Act in support of the contention that when once an order is passed by Joint Collector (District Collector), revision would lie only to the Government and the Commissioner of Land Revenue has no role to play.

Sections 4-A and 4-B(1) of the Act read as under:

4-A. Appeal:-(1) Any person aggrieved by an order passed by the Mandal Revenue Officer under Sub-section (1) of Section 4, may, within ninety days from the date of receipt by him of such order appeal to the Revenue Divisional Officer.

(2) Any person aggrieved by an order passed by the Revenue Divisional Officer under Sub-section (1) of

¹ 2006 (6) ALD 418

Section 4, may, within ninety days from the date of receipt by him of such order appeal to the District Collector.

4-B. Revision:-(1) The District Collector may in respect of any proceeding not being a proceeding covered by Sub-section (2) of Section 4-A on an application made to him and the Government may in respect of any proceedings either suo motu or on an application made to them, call for and examine the record of any officer subordinate to him or them to satisfy himself or themselves as to the regularity of such proceeding or the correctness, legality or propriety of any decision or order taken or passed therein, and if in any case, it appears to the District Collector or as the case may be to the Government that any such decision or order should be modified, annulled, reversed or remitted for reconsideration, they may pass orders accordingly:

Provided that every application for the exercise of the powers under this section shall be preferred within ninety days from the date on which the proceeding, decision or order to which the application relates was communicated to the applicant.

3. A plain reading of the above two provisions would show that (1) whenever a person is aggrieved by an order passed by Mandal Revenue Officer (MRO) under Section 4(1) of the Act resuming the land to the Government, an appeal would lie to the Revenue Divisional Officer (RDO) having jurisdiction; (2) If an adverse order is passed by the appellate authority, aggrieved person can prefer further appeal to the District Collector (Joint Collector) within ninety days from the date of receipt of copy of the order of the first appellate authority; and (3) Even after the order of the Joint Collector, an aggrieved person can make an application to the Government for revision, when the Government can examine the regularity, correctness, legality or propriety of the order passed by the Joint Collector or by any other authority

subordinate to the Government. The Commissioner of Land Revenue or any other authority has not been conferred with any revisional jurisdiction against the order of the Joint Collector. The legal position is not seriously disputed or denied.”

to contend that the revision is maintainable against the order of Joint Collector before the 1st respondent and in the case on hand, the revision was filed as early as 08.12.2017. The 1st respondent neither numbered the revision nor afforded opportunity to petitioner to argue the interlocutory application. The inaction amounts to refusing to exercise the jurisdiction conferred on 1st respondent. The petitioner prays for expeditious disposal of stay petition and the revision.

The Assistant Government Pleader submits that reasonable time may be stipulated for disposing of the stay petition and thereafter revision/appeal.

Hence, the writ petition is disposed of by this order:

The 1st respondent is directed to dispose of the stay petition within six weeks from the date of receipt of a copy of this order and also dispose of the revision/appeal within three months thereafter in accordance with law.

No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT, J

Date:26.07.2018

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