THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE D.V.S.S.SOMAYAJULU

C.R.P. Nos.748, 1623 of 2004 and 1684 of 2005

30.04.2018

Between:

Sampath Bal Reddy and others

..Petitioners

and

The Joint Collector, Ranga Reddy District and another others

..Respondents

Counsel for the petitioners: Mr. Jithender Rao Veeramalla

Counsel for the respondents: --

The Court made the following:

COMMON ORDER:(Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

These civil revision petitions are referred to the Division Bench by order, dated 17.07.2008, of the learned Single Judge. The reference Judge has obviously felt the need to make a reference in view of conflicting views expressed in **G.V.Narsimha Reddy and another vs. Syed Aktar Ali**[1] and **Maltan Sangaiah and another vs. Patel Eswarappa**[2].

2. The necessity for us to record our opinion on the referred question is obviated as subsequent to the reference of these cases, a similar reference was made by another learned Single Judge, by order, dated 21.01.2016, in C.R.P.No.1679 of 2008, and a Division Bench of this Court in **K.Chandra Sekhara Rao and others vs. District Collector, Hyderabad**[3] answered the reference, *inter alia*, in the following terms.

> "1. The appellate order passed under Section 24(1) by the prescribed authority, the District Collector, as well as the reference order passed by the prescribed authority, the Special Tribunal, under Section 24(2) is revisable by the High Court in exercise of the power conferred by Section 28 of the Act of 1955, on the limited grounds prescribed thereunder. Beyond the scope of such revision, these orders are conferred with finality on purely factual aspects.

---

[1] 1988(2) ALT 136
[2] 1997(4) ALT 724
[3] 2016 (6) ALD 272 (DB)

2. Notwithstanding the act of a party in withdrawing the application filed by it seeking conversion of a statutory revision into one under Article 227 of the Constitution, it would always be open to the Court, either suo motu or upon an application of the party, to consider whether it should exercise its plenary power and permit conversion of a statutory revision into one under Article 227 of the Constitution of India"

3. In the light of the above judgment, while holding that these Civil Revision Petitions are maintainable on the limited grounds prescribed under Section 28 of the Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955, they are remanded to the learned Single Judge for disposal on merits.

C.V.NAGARJUNA REDDY, J

D.V.S.S.SOMAYAJULU, J

30th April, 2018
GHN