

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION No.4723 OF 2006

ORDER:

This writ petition is filed to call for the records relating to case No.F1/4227/2005, dated 6.2.2006 on the file of the Joint Collector- I Ranga Reddy District and quash the same as arbitrary, illegal and without jurisdiction.

The petitioners are the sons of Late Sri Bheem Reddy who was the protected tenant in respect of lands bearing S.Nos. 154, 184, 185, 187, 188 and 201 situated at Kothrepelli village, Vikarabad Mandal, Ranga Reddy. During the life time of the father of the petitioners, 38-E certificate under the provisions of A.P.(Telangana Area) Tenancy Agricultural Lands Act 1950 was issued by the Sub-Collector, Vikarabad *vide* proceedings No.H/1538/78, dated 29.8.1980. The said certificate has become final and there was no objection and none challenged the same. Thereafter, the petitioners applied for Occupancy Rights Certificate in the year 2002 and accordingly, the enquiry has been conducted by the RDO and the RDO *vide* proceedings No.D/1570/99, dated 24.5.2002 granted Occupancy Rights Certificate in respect of Ac.12.36 gts. The respondent No.4 filed an appeal challenging the said grant of ORC under Section 24 of the Inams Abolition Act before the respondent No.1 herein and the same was dismissed for non-prosecution on

3.3.2005. The order of the RDO granting ORC has become final and conclusive. Surprisingly, respondent No.3 under section 114 of the C.P.C., filed Revision Petition to review the orders dated 3.3.2005, before the respondent No.1. Entertaining the same, the respondent No.1 has passed the impugned orders dated 6.2.2006.

It is the case of the petitioners that the orders passed by the respondent No.1 are without jurisdiction, as the powers of review or revision have not been conferred upon the respondent No.1 under the Andhra Pradesh (Telangana Area) Inams Abolition Act 1955.

The petitioners relied upon the Judgment in the case of *Kalabharati Advertising vs. Hemant Vimalnath Narichania and others*¹ wherein it was held that it is settled legal proposition that unless the statute/rules so permit, the review application is not maintainable in case of judicial/quasi-judicial orders. In the absence of any provision in the Act granting an express power of review, it is manifest that a review could not be made and the order in review, if passed, is *ultra vires*, illegal and without jurisdiction.

Hence, the writ petition is allowed by setting aside the impugned order No.F1/4227/2005, dated 6.2.2006, of the respondent No.1.

¹ (2010) 9 Supreme Court Cases 437

Consequently, miscellaneous petitions pending if any, shall stand closed.

JUSTICE T.AMARNATH GOUD

Date 16.02.2018

slk

