

HON'BLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE S.V.BHATT
WRIT APPEAL No. 1215 OF 2018

JUDGMENT: *(Per the Hon'ble Sri Justice S.V.Bhatt)*

Heard Mr.J.Suresh Babu for appellant, the learned Government Pleader for respondents 1 to 3, and Mr.Vedula Venkataramana for respondents 4 to 8.

The appellant aggrieved by the orders of 3rd respondent herein in File B/1173/2002 dated 24.06.2003 filed appeal under Section 15 sub section (5) of the A.P. Rights in Land and Pattadar Pass Books Act,1971 (for short 'the Act') before the Revenue Divisional Officer/2nd respondent. On 25.09.2004, the 2nd respondent set aside the order dated 24.06.2003 of 3rd respondent and directed denovo enquiry. Respondent No.4 filed revision under Section 9 of the Act before the 1st respondent. The 1st respondent vide order in Case No.D1/954/2005 dated 10.02.2006 held as follows:

“ The said appeal has been filed questioning the order of the Revenue Divisional Officer in C/2840/2003 Dt.25-09-2005. In the impugned order the Revenue Divisional Officer has observed that lands in Sy. No.10 and 11 are transferred in the name of Anjaiah S/o. Lachaiah during the year 1979-80 as per the Tahsildar File No.B1/2209/1980. The Mandal Revenue Officer, Shamshabad passed an order on 24-06-2003 dismissing the petition of the appellant as outside his jurisdiction under AP ROR Act.

On perusal of the record placed before this court, it is revealed that there is no authenticated evidence for transfer of Sy.No.75 in the name of persons existing in Pahani for 1979-80 till date and therefore it is liable to be delayed. Further, the gap of 24 years, it is not open for Revenue Authorities to exercise their jurisdiction for delaying of modifying the Record of Rights. Therefore, the action of the Revenue Divisional Officer in allowing an appeal is bad in law. Accordingly, the order of the Revenue Divisional Officer is set-aside and the appeal is allowed. Any aggrieved party may approach the Civil Court U/s. 8(2) of ROR Act.”

The appellant filed W.P. No.11300 of 2006 assailing the order of 1st respondent dated 10.02.2006. The learned Single Judge through the order under appeal examined each one of the circumstances argued by appellant and finally held that the appellant has to work out the remedy under Section 8(2) of the Act before the civil Court wherein all issues are tried by the Court of competent jurisdiction.

Mr.Suresh Babu though has made a few submissions on the approach adopted by the 1st respondent while disposing of the revision, the submissions could not convince us to take a different view from the one recorded by the learned Single Judge and the 1st respondent. As issues are left open for consideration by the civil Court in a properly instituted suit, he did not insist upon adverting to those contentions on merits or recording a finding by the Division Bench.

We have perused the record, particularly the order of the Joint Collector/1st respondent dated 10.02.2006 and the order

under appeal, and are fully satisfied that no ground warranting interference is made out.

The appeal is without merit and fails.

The writ appeal is, accordingly, dismissed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending stand closed.

THOTTATHIL B. RADHAKRISHNAN, CJ

S.V.BHATT, J

Date: 17-09-2018
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