

WRIT PETITION No. 35395 of 2018

ORDER:

The present writ petition came to be filed seeking the following relief:

“To call for the records pertaining to the impugned proceedings in D.Dis.E2/ REV-ESECOAPLS(ROR)/ 1/ 2018, dt: 15-06-2018 and quash the said order holding that the same as illegal, arbitrary and contrary to the statute and consequently direct the 3rd respondent to hear and decide the revision petition in File No. REV-ESECOAPLS(ROR)/ 1/ 2018-SA(E2)-KDPCO.”

2. The grievance of the petitioner is that since no appeal would lie against non-issuance of pattadar pass books and title deeds, in view of the judgment of the Division Bench of this Court in RATNAMMA v. REVENUE DIVISIONAL OFFICER, DHARMAVARAM¹, he has preferred a revision before the Joint Collector. That being the position, the learned counsel for the petitioner would submit that the impugned order passed by the Joint Collector, directing the petitioner to prefer an appeal before the Revenue Divisional Officer, is illegal and improper.

3. The learned Government Pleader for Revenue fairly submits that in view of the aforementioned judgment of the Division Bench of this Court, the Joint Collector is the appropriate authority to entertain the revision filed by the petitioner under Section 9 of the ROR Act.

¹ 2015 (6) ALD 609 (DB)

3. Though the unofficial respondent is made a party to this petition, since the revision filed by the petitioner came to be returned by the Joint Collector at the inception, on the ground that the petitioner has to prefer an appeal before the Revenue Divisional Officer, it may not be necessary to issue notice to the unofficial respondent, more so, when this Court is not venturing into the merits or demerits of the case.

4. In view of the law laid down by a Division Bench of this Court in RATNAMMA v. REVENUE DIVISIONAL OFFICER, DHARMAVARAM, the impugned order in D.Dis.E2/ REV-ESECOAPLS(ROR)/ 1/ 2018, dated 15-06-2018 is set aside, directing the Joint Collector to deal with the revision filed by the petitioner under Section 9 of the ROR Act, in accordance with law, after hearing all concerned. There shall be no order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

01.10.2018
DMG