

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.38807 of 2018

ORDER:

Aggrieved by the action of the 5th respondent in issuing impugned notice dated nil-09.2018 in File No.SCVJ-GRVOPUB(MK)/5/2018-SA(A-2)-SCO-VJA, this Writ Petition is filed.

Heard Party-in-Person and learned Assistant Government Pleader for Revenue.

Party-in-person submits that he never filed any appeal before the 5th respondent-Revenue Divisional Officer, but the impugned notice dated nil-09.2018 is issued stating that he filed appeal for cancellation of pattadar passbooks and title deeds in respect of land to an extent of Ac.1.05 cents in R.S.No.283/1 of Ganguru Village, which were issued in favour of Y.Satya Lakshmi.

On the other hand, learned Assistant Government Pleader for Revenue appearing for respondents 3 to 5 produced written instructions stating that on the instructions of the District Collector, the 5th respondent-RDO *suo moto* entertained the appeal.

In this case, the 5th respondent has no power to entertain the appeal for cancellation of pattadar passbooks and title deeds in view of judgment reported in **Ratnamma v. Revenue Divisional Officer, Dharmavaram** (2015 (6) ALD 609) (DB). More so, the

assertion made by the party-in-person shows that he has not filed any appeal, is also not denied in the written instructions filed by the learned Assistant Government Pleader for Revenue.

In view of above facts and circumstances, the impugned notice is liable to be quashed and accordingly quashed. However, this order will not preclude the parties in taking recourse to remedies available to them under law.

Accordingly, this Writ Petition is allowed. There shall be no order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

29.10.2018
kvs



A.RAJASHEKER REDDY,J

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