

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION Nos.37320, 37321 AND 43754 OF 2017

COMMON ORDER:

These three writ petitions are being disposed of by this common order as the point of jurisdiction of the appellate authority is in dispute.

The petitioners in W.P.No.37320 and 37321 of 2017 are stated to be purchasers of property of an extent of Acs.15.18 guntas in Survey No.19 and Acs.15.28 guntas in Survey No.20, respectively Mallapur Village, Balapur Mandal, Ranga Reddy District, pursuant to an order of regularisation passed by the Tahsildar, Balapur Mandal on 02.06.1990. The unofficial respondents in the said writ petitions filed an Appeal before the first respondent, Revenue Divisional Officer, Kandukur Mandal, Ranga Reddy District, and challenging the jurisdiction of the first respondent, the above writ petitions were filed and this Court, by relying on the Judgment of **M.B.Ratnam vs. Revenue Divisional Officer**¹ granted stay of further proceedings. As a result of which, the first respondent could not proceed with the Appeal preferred by the unofficial respondents.

W.P.No.43754 of 2017 is filed by the unofficial respondents against the order of remand passed by the Joint Collector of Ranga Reddy District on 11.11.2016 remanding the matter to the Revenue Divisional Officer holding that he is the proper appellate authority. Thus, the petitioners as well as the unofficial respondents are having rival interests against the property involved in the present writ petitions.

There is a consensus among the counsel on the point of lack of jurisdiction of the Revenue Divisional Officer in entertaining the Appeal arising out of the order passed by the Tahsildar, Balapur Mandal, dated

¹ 2003 (1) ALT 688 (DB)

02.06.1990, regularising the unregistered documents. But, with regard to the jurisdiction, a Full Bench of this Court in **Santosh Verma and others vs. Joint Collector**², held that the revisional authority under the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 can entertain the revision against the order passed by the Tahsildar in proceedings issued under Section 5-A(4) of the Act.

In view of the same, the order passed by the Joint Collector, dated 11.11.2016, remanding the matter to the Revenue Divisional Officer, has to be set aside.

Consequent to the above legal position, all the writ petitions are allowed and the order, dated 11.11.2016, passed by the Joint Collector, is set aside. In view of the Revision filed by the respondents 3 to 6 in W.P.Nos.37320 and 37321 of 2017 and the petitioners in W.P.No.43754 of 2017, the matter is remanded to the Joint Collector, Ranga Reddy District, to consider the Revision filed by the petitioners in W.P.No.43754 of 2017 and pass appropriate orders in accordance with law within a period of six months from the date of receipt of a copy of this order. The parties are entitled to file required documents and implead necessary parties, if any.

The writ petitions are accordingly allowed. Consequently, miscellaneous petitions, if any pending, in these writ petitions, shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

21.02.2018
pln

² 2011 (3) ALT 683 (FB)