

THE HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.9437 of 2002

ORDER:

Heard Sri V.L.N.G.K.Murthy, learned senior counsel for writ petitioners and Mr.Ram Mohan for unofficial respondents.

The petitioners challenge proceedings in D.Dis.No.4148/2001 H3 dated 27.03.2002 of Joint Collector, Srikakulam/1st respondent as illegal and contrary to material on record.

The 1st respondent exercised his jurisdiction under Section 9 of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act') and dismissed the Revision filed by the petitioners herein.

The 1st respondent recorded the following findings:

"On 14.06.2001, the Mandal Revenue Officer, Srikakulam has sent a factual report to Station House Officer, I Town Police Station, Srikakulam under copy marked to the Collector, Srikakulam stating that the cancellation proceedings of PPBs & TD issued to the Revision Petitioners were served on the family members of Baran Baig by Registered Post Acknowledgement due. But the Baran Baig family have not surrendered the cancelled PPBs and TDs which also do not have any legal sancity as the Baratam Neelakanta Swamy and others (Respondents 3 to 9) have got clear title of the lands in T.S.No.227 & 228 of Patha Srikakulam Village for an extent of AC.5.24 cents as per revenue records and further reported that the same

orders were upheld by the Revenue Divisional Officer, Srikakulam, because the said lands were already converted into lay outs duly approved by the Srikakulam Municipality by the Respondents 3 to 9 long back. The pattadar pass books/title deeds should not be issued to NALA lands under Section 2(4) of the R.O.R.Act.

After a lapse of 3 years from the date of Lower Court Orders, the remaining Revision Petitioners except one Sri Mohammed Baig (who filed petition before Wakf Board, Hyderabad) filed a W.P. before the Hon'ble High Court of A.P. in W.P.No.15028/2001 Dt.24-7-2001 and Hon'ble High Court dismissed the W.P. and granted leave to the petitioner to avail the alternative remedy. It is needless to observe that if the petitioners avail any such remedy, the same shall be considered on the own merits uninfluenced by the dismissal of the W.P. After the dismissal of the W.P. in the High Court of A.P., the petitioners filed appeal before the Joint Collector u/s 9 of the R.O.R Act to set aside the Orders of the Mandal Revenue Officer and Revenue Divisional Officer.

Section 9 of the A.P.R.O.R. Act says that no Order adversely affecting any part shall be under this section unless he has been given an opportunity of making his representation. Several opportunities were given to the petitioners to file evidence of records. They failed to produce the records called for to prove title over the said lands."

From the above, it is clear that the 1st respondent in exercise of his revisional jurisdiction under Section 9 of the Act examined the case of petitioners herein with reference to regularity, correctness, legality or propriety of orders of Revenue Divisional Officer, Srikakulam. The 1st respondent

recorded a finding that the writ petitioners could not produce the records in support of their claim, pending Revision.

I have perused the findings recorded by the 1st respondent and also the records which the 1st respondent had perused before confirming the order of Revenue Divisional Officer, Srikakulam.

The order impugned does not warrant interference of this Court under Article 226 of Constitution of India.

Learned counsel submits that notwithstanding the orders passed by the authorities under the Act, the option available to writ petitioners under Section 8 of the Act shall not be understood as restricted. The law on this aspect is well settled. The petitioners, if so advised, can work out their remedies by filing a suit against entries and the property which is the subject matter of present writ petition.

With the above observation, writ petition is dismissed. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Dt: 24.01.2018
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