THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Writ Petition No.40651 of 2017

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioners, seeking verbatim the following relief:

> "..to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the order in D.Dis (D4)/4929/2016, dated 15.11.2017 passed by the 2nd respondent confirming the order in D.Dis.G/2945/2014 dated 8.9.2016 passed by the 3rd respondent as illegal and violative of Articles 14, 21 and 300-A of the Constitution of India and consequently set aside the same and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

2. I have heard the submissions of *Sri W.V.B.Sravan*, learned counsel appearing for the petitioners; of the learned Government Pleader for Revenue (AP) appearing for the official respondents 1 to 4; and, of *Sri P.Gangaiah Naidu*, learned senior counsel appearing for *Ms. G.Bhanu Priya*, learned counsel appearing for the 5th respondent. I have perused the material record.

3. The facts, which are necessary for consideration for disposal of this writ petition, in brief, are as follows:

The 5th respondent filed an appeal before the Revenue Divisional Officer, Chittoor, against the entries made in 1B Register and in Adangal accounts in the name of the writ petitioners in respect of the lands in an extent of Ac.0.70 cents in Sy.no.691; and, an extent of Ac.4.35 guntas in

Sy.no.692/1B of G.D.Nellore Village and Mandal, which are said to have been assigned to the 5th respondent, vide 1B khata no.159. The Revenue Divisional Officer, by an order, dated 08.09.2016, in D.Dis.no.G/2946/2014 ordered for cancelation of entries made in the pattadar passbook and title deeds of the writ petitioners in respect of the lands in respect of Sy.no.692/1 (in an extent of Ac.0.75 cents) and Sy.no.691 (in an extent of Ac.0.70 cents), khata no.158 and Sy.no.692/1A (Ac.3.60 cents) in khata no.159 respectively and also ordered for cancelation of entries in 1B Register and in the web-land register for the above survey numbers made in favour of writ petitioners. He, however, remanded the case to the 4th respondent, Tahasildar, for *de novo* enquiry under the A.P. Assigned Land (Prohibition of Transfer) Act, 1977. Aggrieved thereof, the writ petitioners preferred a revision before the Joint Collector, Chittoor. The Joint Collector by his order, dated 15.11.2017, in D.Dis (D4)/4929/2016, while dismissing the revision held as follows:

> "In view of the above, there is no reason to interfere with the orders of the Revenue Divisional Officer, Chittoor passed in D.Dis.G/2946/2014, dt.8.9.2016 and the Tahasildar, G.D.Nellore is directed to cancel DKT pattas, the Pattadar Pass Books and Title Deeds issued to the Revision petitioners. Further it is ordered to reinstate the original pattadar, that is, Smt. P.Lakshmi W/o P.Sreeramulu Reddy. Hence the appeal is dismissed."

4. Aggrieved thereof, the revision petitioners filed this writ petition.

5. At the hearing, it is stated that when the challenge is to a remand order, the Joint Collector erroneously while confirming the impugned orders of the RDO, even went to the extent of directing for cancellation of DKT patta, pattadar passbooks and title deed books granted to the writ petitioners, and that, therefore, the order is unsustainable, as even as per the remand order of the RDO, an enquiry is to be conducted after affording an opportunity to the writ petitioners as well as the 5th respondent.

6. In that view of the matter, learned counsel for the petitioners and the learned senior counsel appearing for the 5th respondent are in agreement that the order impugned to the extent of directing cancellation of DKT pattas, pattadar passbooks and title deed books issued in favour of the writ petitioners needs to be set aside while confirming the orders of the RDO leaving it open to the Tahasildar to complete the necessary exercise, namely, conducting of *de nova* enquiry under A.P Assigned Land (Prohibition of Transfer) Act, 1977, as directed in the order of the RDO, Chittoor, in D.Dis.G no.2946/2014, dated 08.09.2016.

7. Submissions of the learned Government Pleader are also heard.

8. Having regard to the facts & submissions, this Court is satisfied that the writ petition can be disposed of with appropriate directions:

9. Accordingly, the Writ Petition is disposed of setting aside the impugned order insofar as it related to the direction of cancellation of DKT pattas, pattadar passbooks and title deed books issued to the writ petitioners and reinstatement of the original pattadar; and, accordingly, while confirming the orders, dated 08.09.2016, of the RDO, Chittoor, in

D.Dis.G/2946/2014, the 4th respondent, Tahasildar, is directed to comply with the directions in the said order and conduct a *de nova* enquiry under the A.P Assigned Land (Prohibition of Transfer) Act, 1977, and pass reasoned orders preferably within six weeks from the date of receipt of a copy of this order, however, in strict accordance with the procedure established by law, after affording an opportunity to file documents, if any, and making submissions to the writ petitioners as well as the 5th respondent.

There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

M.SEETHARAMA MURTI, J

30.07.2018
RAR