HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.38837 of 2016

ORDER:

1 The prayer of the petitioner in this case reads as under:

> "For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue writ or direction more particularly one in the nature of writ of mandamus declaring the action of the Revenue Divisional Officer Jangaon Revenue Division the second respondent herein in entertaining the review petition No 2703/2016 and by passing interim stay dated 05102016 as illegal arbitrary null and void and violative of Article 300A of the Constitution of India and also in violation of principles of natural justice and consequentially set aside the same and pass such other relief or reliefs as this Honble Court deems fit and proper in the circumstances of the case."

2 On 10.11.2016, an order was passed in this Writ Petition granting interim suspension of the order dated 05.10.2016, passed by the Revenue Divisional Officer, Jangaon Revenue Division, Jangaon District, noting that the said authority had passed the said order in exercise of review power which, *prima facie*, appeared to be illegal. WVMP No.845 of 2017 was filed by the 4th respondent to vacate the said order.

3 Heard Sri Ashok Reddy Kanathala, learned counsel for the petitioners and Ms. Madhavi, learned counsel representing Sri CAR Seshagiri Rao, learned counsel for the 4th respondent.

4 The issue boils down to whether the Revenue Divisional Officer, Jangaon Revenue Division, was vested with the power of review. The record reflects that the Revenue Divisional Officer, Jangaon, had earlier passed order dated 05.07.2016, in relation to the subject land admeasuring Ac.0.10 guntas in Sy.No.142/B of Shameerpet Village, Jangaon Mandal. This order was passed in exercise of appellate power under Section 5 (5) of the Telangana Rights in Land and Pattadar Pass Books Act, 1971 (for brevity, 'the Act of 1971'). Having passed the said order, it appears that the Revenue Divisional Officer, Jangaon Revenue Division, then entertained Review Petition No.2703 of 2016 at the behest of the 4th respondent herein and then

passed the impugned interim order dated 05.10.2016. The statutory scheme of the Act of 1971 does not vest the appellate authority, viz., the Revenue Divisional Officer concerned, with any such power of review. Ms. Madhavi, learned counsel fairly concedes this legal aspect. That being so, the impugned order suffers from a patent lack of jurisdiction. It was not open to the Revenue Divisional Officer, Jangaon Revenue Division, to exercise review power when he was not vested with such power under the statute. On this short ground, the order dated 05.10.2016 passed by the Revenue Divisional Officer, Jangaon Revenue Division, Jangaon, is set aside and the review petition bearing number 2703 of 2016 is held to be not maintainable. It is made clear that this Court has not gone into the merits of the matter and it is left open to the 4th respondent to take appropriate measures in accordance with law if she is aggrieved by the order dated 05.07.2016 passed earlier.

5 The Writ Petition is disposed of accordingly.

6 Miscellaneous Petitions pending in this Writ Petition shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

19th March, 2019.
Kvsn