

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.8063 OF 2019

DATED :18.04.2019

Between :

Saripally Sailu S/o Buchaiah,
Aged 69 years, occ:Agriculture,
R/o H.No.2-62, Thallasingaram Village,
Choutuppal Mandal, Yadadribhongir Dist
and two others.

...

Petitioners

And

The State of Telangana rep.by its
Secretary, Department of Revenue,
Secretariat, Hyderabad and others.

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Respondents



This court made the following :

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ORDER :

Petitioners challenge notices issued in March, 2019 by the Revenue Divisional Officer, Choutuppal, *prima facie* holding that the petitioners are not in occupation of the subject lands and why the assignment pattas should not be cancelled in respect of the subject lands mentioned in the respective notices.

2. Learned counsel for the petitioners vehemently contended that the Revenue Divisional Officer has no competency to issue such notices to the petitioners and the Tahsildar is only competent to initiate proceedings under the provisions of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short, 'Act, 1977'). By referring to the provisions of Section 4-A of the Act, 1977, he also submitted that against the decision of Tahsildar, an appeal shall lie to the Revenue Divisional Officer and being the appellate authority, the Revenue Divisional Officer cannot take up the issue of violation of conditions of assignment pattas granted to the petitioners under Section 4-A of the Act, 1977. There is no merit in the said contentions.

3. Section 4-A of the Act, 1977, empowers the District Collector to take steps to cancel the pattas granted. This section also enables the District Collector to appoint any other officer to exercise the powers vested to him. In the impugned notices, the District Collector authorized the Revenue Divisional Officer to exercise the power for cancellation of the assignments granted in violation of the terms of the assignment patta.

4. Learned Government Pleader for Revenue produced a copy of letter, dated 22.02.2019, issued by the District Collector granting such authorization.

5. As per sub-section (2) of Section 4 of the Act, 1977 on a decision made by the Revenue Divisional Officer, an appeal shall lie to the District Collector. Therefore, Section 4-A of the Act, 1977 takes note of both contingencies and provides remedy of appeal on a decision made by the Tahsildar as well as by the Revenue Divisional Officer as the case may be.

6. Learned counsel for the petitioners sought to contend that after long lapse of time, proceedings are initiated to annul the assignment pattas granted in favour of the petitioners and that the decision is already made and post-decision hearing is not warranted in law. He also contended that as evident from the notices, based on the direction issued by the District Collector, steps are initiated and therefore, there is nothing for the Revenue Divisional Officer to consider. In support of his contention he placed reliance on a decision of this Court reported in **Sekharia Aruna Kumari v. District Collector, Visakhapatnam**¹.

7. I have gone through the said decision and the said decision stands on its facts. In regard to peculiar facts of the case, the Court observed that after lapse of long time, the second show cause notice should not have been issued.

8. Be that as it may, whether there was delay in initiating proceedings and whether petitioners are in continuous possession

¹ 2002 (3) ALT 571

of the subject lands after demise of original assignee as successor of the assignment, are all matters for consideration by the competent authority. Only an interim decision is made against the petitioners. If they have any grievance of improbable appreciation of their stand after availing appropriate remedies as available under law, these issues can be considered. Even the decision relied on by learned counsel for the petitioners emanated out of the final decision made cancelling the pattas and not at Interlocutory Application stage.

9 Having regard to the apprehension emanated by learned counsel for the petitioners with regard to the direction issued by the District Collector in the impugned notices, while granting time to the petitioners to give reply to the show cause notices within two (2) weeks from the date of receipt of a copy of this order with all the documents in support of their case, the Revenue Divisional Officer shall consider their objections objectively and on due consideration of their objections, uninfluenced by the views expressed by the District Collector in his letter, dated 22.02.2019, take a decision by assigning reasons. Till final orders are passed, *status quo* obtained in all respects shall be maintained with regard to subject property.

10. With this observation, the Writ Petition is disposed of.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

APRIL 18, 2019
YVL

P.NAVEEN RAO, J

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YVL