

(1998) 11 AP CK 0072

In the Andhra Pradesh High Court

Case No : Writ Petition No. 6453 of 1998

Neerupaka Rama Krishna

APPELLANT

Vs

Director of Settlements and others

RESPONDENT

Date of Decision : 18-11-1998

Acts Referred:

Andhra Pradesh (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act, 1948 — Section 11

Citation : (1999) 4 ALD 55 : (1999) 1 ALT 70 : (1999) 2 APLJ 15

Hon'ble Judges : C.V.N. Sastri, J

Bench : Single Bench

Advocate : Mr. A. Rangacharyulu, for the Appellant; Government Pleader for Revenue, for the Respondent

Judgement

1. This writ petition is filed questioning the show-cause notice dated 28-2-1998 issued by the first respondent in purported exercise of suo motu powers of revision proposing to cancel the order dated 27-5-1962 passed by the Additional Assistant Settlement Officer, Nellore granting ryotwari patta u/s 11 of the Estates Abolition Act in favour of the petitioner's grandfather in respect of an extent of 0.48 cents of land in RS No.277/10 of Venkatagiri Village, Nellore District on the ground that the said order is irregular.

2. On an earlier occasion when the revenue authorities refused to implement the said order dated 27-5-1962, the petitioner herein filed WP No.10773 of 1996 for a direction to implement the said order. The said writ petition was disposed of by this Court on merits by an order dated 16-8-1996 upholding the validity of the order dated 27-5-1962 and the District Collector was directed to implement the same. Pursuant to the said directions of this Court on instructions from the District Collector, the Mandal Revenue Officer, Venkatagiri implemented the order dated 27-5-1962 on 26-9-1996 by making the necessary changes in the revenue records. The order passed in WP No. 10773 of 1996 had become final as no writ appeal was filed against the same. Despite the said order passed by this Court,

the first respondent has issued the impugned show-cause notice dated 28-2-1998.

3. In the face of the categorical findings recorded by this Court in \\VP No.10773 of 1996 upholding the validity of the order dated 27-5-1962, it docs not admit of any doubt that the first respondent has acted illegally and without jurisdiction in issuing the impugned show-cause notice dated 28-2-1998. The order passed in WP No. 10773 of 1996 clearly operates as res judicata. The learned Government Pleader for Revenue however contends that WP No. 10773 of 1996 was concerned with the issue of Pattadar Pass Book to the petitioner and the same has no bearing on the validity of the order dated 27-5-1962. I am unable to agree with this submission. In the order dated 16-8-1996 passed in WP No.10773 of 1996 this Court has elaborately considered the self-same objections with regard to the truth and validity of the order dated 27-5-1962 and negatived the same and upheld the validity of the order dated 27-5-1962. It was therefore not open to the first respondent to reagitate the same question once again. That apart, there is absolutely no justification for the exercise of suo motu powers of revision by the first respondent after the lapse of more than 36 years. The writ petition is therefore allowed and the impugned show-cause notice is quashed. No costs.