

(2001) 06 AP CK 0028
In the Andhra Pradesh High Court
Case No : Writ Appeal No. 921 of 2001

R.S. Murthy and Another	Vs	APPELLANT
Joint Collector and Others		RESPONDENT

Date of Decision : 25-06-2001

Acts Referred:

Citation : (2001) 4 ALT 337

Hon'ble Judges : Satya Brata Sinha, C.J.; V.V.S. Rao, J

Bench : Division Bench

Advocate : Party in Person, for the Appellant; G.P. for Revenue for Respondent Nos. 1 to 3 and 8 and P. Sanjay Kumar, for the Respondent

Final Decision : Allowed

Judgement

Satya Brata Sinha, C.J.—Having heard the learned Counsel for the parties, we are of the opinion that the impugned judgment cannot be sustained for the reason that the revenue authorities in terms of the provisions of the A.P. Record of Rights in Land and Pattadar Pass Books Act, 1971 (for short "the ROR Act"), were required to pass appropriate reasoned order after giving opportunity of hearing to both the parties.

2. When a person files an application for correction of pass book, he cannot be asked to file a Civil suit because some third party has raised the question of adverse possession therein. It is true that the revenue authorities cannot decide the questions of title and possession, but subject to any decree or order that may be passed in a civil suit, the revenue authorities should exercise their statutory power.

3. For the reasons aforementioned, we are of the opinion that the judgment of the learned Single Judge as also the orders of Joint Collector and the Revenue Divisional Officer-respondent Nos. 1 and 2 herein, cannot be sustained. Hence, they are set aside. The Writ Appeal is allowed, and respondent No. 3 Mandal Revenue Officer is directed to pass appropriate order in accordance with law after

giving opportunity of hearing to both the parties. No costs.