
(2015) 01 AP CK 0027

In the Andhra Pradesh High Court

Case No : Writ Petition No. 40504 of 2014

Satya Sai Builders and Developers

APPELLANT

Vs

State of Telangana and Others

RESPONDENT

Date of Decision : 21-01-2015

Acts Referred:

Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 — Section 2(2), 3, 4, 5, 9

Citation : (2015) 4 ALD 20 : (2015) 2 ALT 581

Hon'ble Judges : Challa Kodanda Ram, J.

Bench : Single Bench

Advocate : K. Lakshman, for the Appellant

Final Decision : Allowed

Judgement

Challa Kodanda Ram, J.—The petitioner challenges the proceedings of the 3rd respondent-The Special Grade Deputy Collector and Revenue Divisional Officer, Saroornagar Division, Ranga Reddy District, dated 16.10.2014 and also the proceedings dated 15.12.2014. The Petitioner claims to be the purchaser of the land in Sy. No. 91 through a registered sale deed bearing Document No. 3180/2011, dated 27.07.2011.

2. After purchase of the property, the petitioner was put in possession of the property by the vendors and mutation proceedings also have been carried on. While the things stood thus, petitioner received a notice dated 15.12.2014 from the 3rd respondent directing him to appear for enquiry. On further verification, he came to be aware of the proceedings dated 16.10.2014 issued by the 2nd respondent-District Collector, Ranga Reddy District. Challenging the notice, learned counsel for the petitioner Sri K. Lakshman, raised three legal contentions to the effect-

1) The Collector is not authorized under the A.P. Rights in Land and Pattadar Passbooks Act, 1971 (in short "the Act") to direct the 3rd respondent to take up

the proceedings suo moto and alter the mutation proceedings earlier carried out. There is no such suo moto power available with the 2nd respondent under the provisions of the Act.

2) Further, the 2nd respondent himself is not authorized under the law to issue any such direction, it may be open for him to exercise the power under Section 9 of the Act with respect to any of the proceedings, but he is not empowered to issue any such direction conferring subordinate authority suo moto powers de hors the Act.

3) Further the entire premise on which the suo moto proceedings was sought to be initiated was on the ground the original declarant in land ceiling proceedings alleged surrender of the land which was in dispute and encumbered. Since the petitioner is a bona fide purchaser for consideration his rights cannot be interfered with.

3. He also further raised grounds in relation to the merits of the matter. Learned Government Pleader opposed the writ petition and submits that the Collector being supervisory authority he is entitled to direct the subordinate authority to take action.

4. For the disposal of the case in issue, in particular with reference to the specific grounds raised by the petitioner, it may be useful to refer Sections 2(2), 3, 4, 5 and 9 of the Act.

5. A perusal of the Act-would leave no manner of doubt while the Collector under Section 9 of the Act is entitled to suo moto to call for record and take appropriate action in the Act, no such suo moto power is conferred on the Tahasildhar. In that view of the matter, the direction given by the Collector to the Tahasildhar to exercise suo moto powers is totally impermissible. Allowing such direction to be implemented would amount to the conferring of the suo moto power by the Collector, which otherwise not available and not given to the Collector by the statute. In that view of the matter, the order of the 2nd respondent-Collector directing the 3rd respondent cannot be sustained. The notice dated 15.12.2014 issued by the 3rd respondent, being in obedience to the orders of the Collector dated 16.10.2014, the same also cannot stand. Accordingly, the writ petition is liable to be allowed.

6. Accordingly, the Writ Petition is allowed. However, it is made clear that the authorities are at liberty to take appropriate action, if so advised in accordance with law. There shall be no order as to costs. In sequel, miscellaneous petitions pending, if any, shall also stand closed.