

**THE HON'BLE SRI JUSTICE A.V.SESHA SAI**

**WRIT PETITION No.17737 OF 2020**

**ORDER:**

An endorsement bearing D.Dis.(E4)/REV-ESECULAS(APL)/18/2020 dated 04.08.2020 of the Joint Collector, Chittoor, Office of the District Collector, Chittoor, rejecting the revision filed by the petitioner herein under the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977, in respect of the land admeasuring Ac.0.25 cents, situated in Sy.No.446/2, Peddachallaragunta village, Baireddipalle Mandal, Chittoor District, is under challenge in the present Writ Petition.

2. According to the petitioner, his father was granted a D-Form patta for the said extent of land along with other lands on 15.05.1971. The Sub-Collector, Madanapalle, vide proceedings Roc.B1/1278/2019 dated 06.12.2019, directed the Mandal Revenue Officer/Tahsildar, Baireddipalle, to cancel the assignment made in favour of Sri M.Krishnappa for the land in Sy.No.446 admeasuring Ac.0.25 cents on the ground that the assignee violated the Dharkasth rules condition No.2. Felt aggrieved by the said order of the Sub-Collector, Madanapalle, the petitioner herein preferred an appeal under the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977. The Joint Collector, Office of the District Collector, Chittoor, vide the impugned endorsement dated 04.08.2020, rejected the same and asked the petitioner to file an appeal before the Revenue Divisional Officer, Madanapalle. This Writ Petition challenges the validity and legal sustainability of the said endorsement.

3. It is contended by the learned counsel for the petitioner Sri S.S.Bhatt that the impugned endorsement, rejecting the remedy availed by the petitioner herein is highly illegal, arbitrary, unreasonable and violative of Articles 14 and 300A of the Constitution of India, besides being opposed the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short, 'the Act'). In elaboration, it is further contended by the learned counsel for the petitioner that under Section 4B of the Andhra Pradesh Assigned Lands Prohibition of Transfer Act, 1977, the District Collector is empowered with the power of revision against the orders passed by any officer subordinate to him and contrary to the said provisions of law, the office of the District Collector issued the said endorsement. It is also the submission of the learned counsel that since the Revenue Divisional Officer/Sub-Collector issued proceedings dated 06.12.2019, directing cancellation of the assignment made in favour of the petitioner herein, the impugned endorsement, asking the petitioner herein to approach the same authority once again by way of an appeal is neither sustainable nor tenable in the eye of law.

4. In order to adjudicate the issue on hand, it would be highly essential to refer to the provisions of the enactment. Section 4A of the Act reads as under:

**4A. Appeal:-** (1) Any person aggrieved by an order passed by the Mandal Revenue Officer under sub-section (1) of Section 4, may within ninety days from the date of receipt by him of such order appeal to the Revenue Divisional Officer.

(2) Any person aggrieved by an order passed by the Revenue Divisional Officer under sub-section (1) of Section 4 may, within ninety days from the date of receipt by him of such order appeal to the District Collector.

5. The next important provision which is germane and prudent for the purpose of the present issue on hand is Section 4B of the Act, which reads as under:

**4B. Revision:-** (1) The District Collector may in respect of any proceedings not being a proceeding covered by sub-section (2) of Section 4-A on an application made to him and the Government may in respect of any proceedings either *suo motu* or on an application made to them, call for and examine the record of any officer subordinate to him or them to satisfy himself or themselves as to the regularity of such proceeding or the correctness, legality or propriety of any decision or order taken or passed therein, and if in any case, it appears to the District Collector or as the case may be to the Government that any such decision or order should be modified, annulled, reversed or remitted for reconsideration, they may pass orders accordingly:

Provided that every application for the exercise of the powers under this section shall be preferred within ninety days from the date on which the proceeding, decision or order to which the application relates was communicated to the applicant.

(2) No order adversely affecting any person shall be passed under sub-section (1), unless such person has been given an opportunity of making his representation.

(3) The District Collector or the Government as the case may be, may also suspended the execution of the decision or order pending exercise of their power under sub-section (1).

6. Admittedly, in the instant case, by way of appeal, though the same is required to be a revision, the petitioner herein challenged the proceedings of the Sub-Collector/Revenue Divisional Officer dated

06.12.2019. It is very much manifest from a reading of Section 4B of the legislation that the petitioner herein appropriately and correctly approached the District Collector under Section 4B of the Act. Therefore, by any stretch of imagination, it cannot be concluded by the office of the District Collector that the remedy sought to be availed by the petitioner herein is inappropriate. Simply because a wrong provision is mentioned, the jurisdiction vested in statutory authority cannot be refused to be entertained by such authority. Since the petitioner herein sought to challenge the orders of the Revenue Divisional Officer/Sub-Collector, the office of the District Collector ought to have entertained the same as a revision under Section 4B of the legislation and ought to have decided the same on merits strictly in accordance with law.

7. For the aforesaid reasons, the Writ Petition is allowed, setting aside the impugned endorsement dated 04.08.2020 and the appeal/revision preferred by the petitioner herein against the orders of the Sub-Collector dated 06.12.2019 stands restored to the file of the District Collector, Chittoor District, 1<sup>st</sup> respondent herein, for adjudication of the same strictly in accordance with law and for passing appropriate orders. It is also made clear that till such orders are passed, *status quo* as on today with regard to the possession of the subject property shall be maintained.

Miscellaneous Petitions pending, if any, in this case shall stand closed. There shall be no order as to the costs of the Writ Petition.

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**A.V.SESHA SAI, J**

Date: 30.09.2020  
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