

*** THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI**

&

*** THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR**

+WRIT APPEAL NO: 999 OF 2026

% 20.08.2026

Durgam Paddaiah and others

.....Appellants

And:

\$1. The State of Andhra Pradesh,
Department of Revenue, rep. by its
Principal Secretary, Amaravati and
others.

....Respondents.

!Counsel for the appellants: : Sri P. Sai Surya Teja

^Counsel for the respondents : G.P for Revenue

<Gist:

>Head Note:

? Cases referred:

¹ 2021 SCC OnLine AP 3152

² 1970 (3) SCC 119.

³ (1973) 1 SCC 633

HIGH COURT OF ANDHRA PRADESH

* * * *

WRIT APPEAL NO: 999 OF 2026***DATE OF JUDGMENT PRONOUNCED: 20.08.2026******SUBMITTED FOR APPROVAL:*****THE HON'BLE SRI JUSTICE RAVI NATH TILHARI****&****THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR**

- 1. Whether Reporters of Local newspapers Yes/No
may be allowed to see the Judgments?***
- 2. Whether the copies of judgment may be Yes/No
marked to Law Reporters/Journals***
- 3. Whether Your Lordships wish to see the Yes/No
fair copy of the Judgment?***

RAVI NATH TILHARI, J

ALAPATI GIRIDHAR, J

APHC010438952026



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI**

THURSDAY, THE 20th DAY OF AUGUST 2026

PRESENT

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

WRIT APPEAL NO: 999 OF 2026

Writ Appeal under clause 15 of the Letters Patent the present Memorandum of Writ Appeal against the interim order dated 12-08-2026 passed by the learned Single Judge in I.A.No. 1 of 2026 in W.P.No. 20706 of 2026 for the following amongst other grounds

Between:

1. DURGAM PADDAIAH, S/o. Venkateswarlu, Aged 65 years, Occ. Agriculture, R/o. Door No.4-56, Venigandia Village, Pedakakani Mandal, Guntur District.
2. Durgam Pamulu,, S/o. Venkateswarlu, Aged 53 years, Occ. Agriculture, R/o. Door No.4-56, Venigandia Village, Pedakakani Mandal, Guntur District.
3. Durgam Ankamma Rao,, S/o. Venkateswarlu, Aged 50 years, Occ. Agriculture, R/o. Door No.4-56, Venigandia Village, PedakakaniMandal, Guntur District.

...Apellants

AND

1. THE STATE OF ANDHRA PRADESH, Department of Revenue, Rep. by its Principal Secretary, Secretariat Buildings, Velagapudi Amaravati - 522238.
2. The District Collector, Guntur, Guntur District - 522004.

3. The Joint Collector, Cum Revisional Authority under ROR Act, Guntur, Guntur District- 522004.
4. The Revenue Divisional Officer, Guntur, Guntur District - 522004.
5. The Tahsildar/ Mandal Revenue Officer, Pedakakani Mandal, Guntur District - 522509.
6. Kolli Ranga Reddy, S/o Anji Reddy, Aged 54, R/o. D.No.6-95, Venigandia Village, Pedakakani Mandal, Guntur District - 522509.
7. Kolli Chaitanya, D/o Kolli Ranga Reddy, Aged 56, R/o. D.No.6-95, Venigandia Village, Pedakakani Mandal, Guntur District - 522509. (Presently Residing at Kenya).
8. Singam Rama Krishna Reddy, S/o. Ratna Reddy, Aged 54, R/o. D.No. 2-12-177, Anji Reddy street, Sthambhalagaruvu, Guntur city, Guntur District - 522006.
9. Surapaneni Ratish Kumar Nandan, S/o. Seetaramaiah, Aged 56, R/o. Flat No. 205, Samskruthi Apartment, 1st lane Syamala Nagar, Guntur District - 522006.

...Respondents

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased dispense with the filing of the certified copy of the order dated 12.08.2026 passed in I.A.No.1 of 2026 in W.P.No.20706 of 2026, pending disposal of the accompanying Writ Appeal, and pass

IA NO: 2 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased

stay all further proceedings pursuant to Notice in Rc.No.2265/2026-D1 dated 25-06-2026 issued by the 3rd respondent. Joint Collect Dr after suspending the operation of the order dated 12.08.2026 passed in I./^No.I of 2026 in W.P.No.20706 of 2026, pending disposal of the writ appeal, and to pass

Counsel for the Petitioners: P SAI SURYA TEJA

Counsel for the Respondents: GP FOR REVENUE

The Court made the following order:

JUDGMENT:-*(per Hon'ble Sri Justice Ravi Nath Tilhari)*

This Writ Appeal has been filed by the writ appellants/writ petitioners, being aggrieved by the order dated 12.08.2026 passed by the learned Single Judge in I.A.No.1 of 2026 in W.P.No.20706 of 2026.

2. Heard Sri P.Sai Surya Teja, learned counsel for the writ appellants and Sri K.Dilip Naik, learned Assistant Government Pleader for Revenue appearing for respondent Nos.1 to 5.

3. The writ appellants herein are the writ petitioners in the pending W.P.No.20706 of 2026, which has been filed challenging the notice issued vide ROC No.2265/2026/D1, dated 25.06.2026, under Section 9 of the Andhra Pradesh Rights in Land and Pattadar Passbooks Act, 1971 (in short "the Act, 1971"). The said notice was issued pursuant to the representation made by unofficial respondent No.6 (for respondent No.7).

4. The writ petitioners also filed I.A.No.1 of 2026 seeking stay of all further proceedings pursuant to the notice dated 25.06.2026.

5. The learned Single Judge, having regard to the submissions advanced, directed the petitioners to urge all the grounds raised before the learned Single Judge before the 3rd respondent-Joint Collector on the proposed date of enquiry pursuant to the said notice. The 3rd respondent was

also directed to first hear the question of jurisdiction before proceeding further in the matter.

6. Learned counsel for the writ appellants submits that, pursuant to the representation made by unofficial respondent No.6 (for respondent No.7), a notice ought to have been issued before initiating the *suo motu* proceedings. His contention is that the notice in question was issued only after the initiation of *suo motu* power and, consequently, the 3rd respondent-Joint Collector lacked jurisdiction to proceed in the matter.

7. Learned counsel submits that, issuance of such notice is mandatory before invoking the *suo motu* jurisdiction, which is specifically contemplated under Section 9 of the Act, in view of the judgment of this Court in ***Healthy Agro Enterprises Pvt. Ltd., v. State of Andhra Pradesh***¹, He submits that, in the said judgment, the learned Single Judge placed reliance upon the judgment of the Hon'ble Apex Court in ***M/s. D.N. Roy and S.K. Bannerjee and Others v. State of Bihar and Others***². He submitted that the impugned notice could not have been issued under Section 9 of the Act without first issuing a notice proposing initiation of *suo motu* proceedings. He submits that, consequently, the very assumption of jurisdiction by the 3rd respondent-Joint Collector is without jurisdiction and authority.

¹ 2021 SCC OnLine AP 3152

² 1970 (3) SCC 119.

8. Learned Government Pleader for Revenue, appearing for respondents 1 to 5, submits that Section 9 of the Act, 1971 provides for initiation of revisional proceedings *suo motu* by the competent authority. He submits that the proviso to Section 9 contemplates that no order in revision, whether in exercise of *suo motu* power or on an application made by an aggrieved party or any person adversely affected, shall be passed under the said section unless an opportunity of making a representation is given. He submits that, Rule 23(2) of the Andhra Pradesh Rights in Land and Pattadar Pass Books Rules, 1989, (in short, the Rules,1989) provides that, where a *suo motu* revision is initiated, the grounds on which the revision is initiated shall be communicated to the persons likely to be adversely affected. He submits that there is no illegality in the impugned notice. He submits that the learned Single Judge has only directed the petitioners to raise all such grounds before the 3rd respondent-Joint Collector, who has, in turn, been directed to first consider the question of jurisdiction before proceeding further in the matter.

9. We have considered the aforesaid submissions of the learned counsels for the parties and perused the material on record.

10. In view of the submissions advanced on both sides, the point that arises for consideration is:

“Whether, in a case involving exercise of suo motu power under Section 9 of the Act,1971(ROR Act, 1971),

the competent authority, i.e., the Joint Collector, is required to issue notice to the person likely to be adversely affected prior to the initiation of suo motu proceedings, or whether such notice is required to be issued only in the exercise of the suo motu proceedings in terms of section 9 of the Act, 1971(ROR Act,1971) read with Rule 23(2) of the Andhra Pradesh Rights in Land and Pattadar Pass Books Rules, 1989.”?

11. Since the aforesaid issue has been specifically urged before us and the submissions have been advanced that the authority issuing the impugned show-cause notice shall have no jurisdiction to do so, in the absence of a prior notice proposing the initiation of *suo motu* proceedings, and such an issue is also involved and is of importance, we consider it appropriate to examine and decide the issue.

12. Section 9 of the Act,1971, provides as under :

“9. Revision.— The Collector may either *suo motu* or on an application made to him, call for and examine the record of any Recording Authority, Mandal Revenue Officer or Revenue Divisional Officer under Sections 3, 5, 5A or 5B, in respect of any record of rights prepared or maintained to satisfy himself as to the regularity, correctness, legality or propriety of any decision taken, order passed or proceedings made in respect thereof and if it appears to the Collector that any such decision, order or proceedings should be modified, annulled or reversed or remitted for reconsideration, he may pass orders accordingly:

Provided that no such order adversely affecting any person shall be passed under this Section unless he had an opportunity of making a representation.”

13. A bare perusal of Section 9 of the ROR Act, 1971 shows that the competent authority is vested with the power of revision, either *suo motu* or on an application made to it, to call for and examine the record of any Recording Authority, Mandal Revenue Officer or Revenue Divisional Officer under Sections 3, 5, 5-A or 5-B of the Act, 1971 in respect of any record of rights prepared or maintained, for satisfying itself as to the regularity, correctness, legality or propriety of any decision, order or proceedings. The aforesaid power is the revisional power under Section 9 of the Act.

14. The power of revision may, therefore, be exercised either on an application made to the competent authority or *suo motu*. The proviso to Section 9 specifically contemplates that no order adversely affecting any person shall be passed under the said section unless such person is afforded an opportunity of making a representation. Thus, the statutory requirement is that an order adversely affecting a person cannot be passed without affording an opportunity of making a representation. In other words an opportunity of hearing or making a representation is required to be given before passing an order either on the application or *suo motu* exercise of power under section 9.

15. Rule 23(2) of the Rules, 1989 reads as under :

“In case a suo motu revision is initiated, the grounds on which the revision is initiated shall be communicated to the person or persons likely to be adversely affected.”

16. Rule 23(1) of the Andhra Pradesh Rights in Land and Pattadar Pass Books Rules, 1989 deals with the exercise of revisional power on an application, whereas Rule 23(2) deals with the exercise of *suo motu* revisional power.

17. Rule 23(2) specifically provides that, where a *suo motu* revision is initiated, the grounds on which the revision is initiated shall be communicated to the person or persons likely to be adversely affected.

18. A conjoint reading of Section 9 of the ROR Act, 1971 and Rule 23(2) of the Rules, 1989, therefore, makes it clear that, upon initiation of *suo motu* revisional proceedings, the grounds on which such revisional powers are initiated, are required to be communicated to the person or persons likely to be adversely affected, so as to afford an opportunity of hearing before any adverse order is passed.

19. On a plain reading of Section 9 of the ROR Act, 1971, there is no express requirement for issuance of any notice prior to initiation of *suo motu* revisional proceedings. Equally, such a requirement does not follow from a reading of Section 9 of the Act read with Rule 23(2) of the Rules, 1989 even

by any necessary implication. No other provision of the Act or the Rules has been brought to our notice which expressly requires issuance of notice to the person likely to be adversely affected before initiation of *suo motu* revisional proceedings i.e., as submitted by the learned counsel for the petitioner, to initiate the proceedings *suo motu*. The submissions advanced is that before initiation of *suo motu* proceedings, for such initiation notice should be given and if after consideration, the authority decides to take *suo motu* proceedings then only notice as stipulated by section 9 of the Act read with Rule 23(2) of the Rules, 1989 is to be given. The learned counsel for the writ appellants has placed reliance upon the judgment of the learned Single Judge of this court in ***Healthy Agro Enterprises Pvt. Ltd., (supra)*** which referred and relied upon the judgment of the Hon'ble Apex Court in ***M/s D.N. Roy (supra)***,.

20. We have considered the judgment in ***M/s D.N. Roy (supra)***. In ***M/s D.N. Roy (supra)***, the Hon'ble Apex Court was considering Rules 54 and 55 of the Mineral Concession Rules, 1960. Therein, a lease had been granted by the State Government in favour of the appellant therein, while the claim of certain other persons was rejected. The 5th respondent therein approached the Central Government under Rule 54 of the Mineral Concession Rules, 1960. A copy of the said application was served upon the appellant therein, calling for his comments. Comments were also called for from the State Government. After receipt of the comments and upon consideration of the representations made by the parties, the Central Government dismissed

the petition filed by the 5th respondent therein. Thereafter, the Central Government passed a further order dated 05.11.1996, whereby it exercised its revisional power referring to under Rule 55 of the Mineral Concession Rules, 1960, or such other powers as were available to it in that behalf, and, in exercise of the said power, set aside its earlier order. The same was challenged before the High Court of Patna. The matter was thereafter carried to the Hon'ble Apex Court. Before the Hon'ble Apex Court, the contention raised was that the Central Government had no power of review. The Hon'ble Apex Court observed that the order in question passed by the Central Government did not indicate that the power was being exercised *suo motu*. On the contrary, the order purported to have been passed on the basis of the application made under Rule 54 of the Mineral Concession Rules, 1960. However, the Central Government had additionally stated in its order that the same was passed in exercise of the revisional power conferred by Rule 55 of the Mineral Concession Rules, 1960, and all other powers enabling it in that behalf. The Hon'ble Apex Court considered the said aspect and observed that, if the Central Government intended to exercise its *suo motu* power, it was required to intimate the appellant not only of the fact that it proposed to exercise such *suo motu* power, but also of the grounds on which it proposed to exercise the said power, and to afford him an opportunity to show cause against the exercise of such power as well as against the grounds on which such power was proposed to be exercised. The Hon'ble Apex Court observed that, at no stage, was the appellant therein informed that the Central

Government proposed to exercise its *suo motu* power or called upon to show cause against the exercise of such power. The failure of the Central Government to do so was held to vitiate its order.

21. In **M/s. D.N. Roy** (supra), the Hon'ble Apex Court held in paras 6 and 7 which read as under:

“6. The impugned order of the Central Government does not show that it was made in the exercise of its *suo moto* power. It is purported to have been made on the basis of the application made by the 5th respondent under Rule 54 of the Mineral Concession Rules, 1960. In para 3 of that order, it says “in view of the position explained above, the Central Government in exercise of their revisionary power conferred by Rule 55 of Mineral Concession Rules, 1960 and all other powers enabling in this behalf hereby set aside the order of the State Government contained in their Letter No. A/MM/4031/62-1789-M, dated 31-3-1962”.

7. It is true that the order in question also refers to “all other powers enabling in this behalf”. But in its return to the writ petition the Central Government did not plead that the impugned order was passed in exercise of its *suo moto* powers. We agree that if the exercise of a power can be traced to an existing power even though that power was not purported to have been exercised, under certain circumstances, the exercise of the power can be upheld on the strength of an undisclosed but undoubted power. But in this case the difficulty is that at no stage the Central Government intimated to the appellant that it was exercising its *suo moto* power. At all stages it purported to act under Rules 54 and 55 of the Mineral Concession Rules, 1960. If the Central Government wanted to exercise its *suo moto* power it should have intimated that fact as well as the grounds on which it proposed to exercise that power to the appellant and

given him an opportunity to show cause against the exercise of suo moto power as well as against the grounds on which it wanted to exercise its power. Quite clearly the Central Government had not given him that opportunity. The High Court thought that as the Central Government had not only intimated to the appellant the grounds mentioned in the application made by the 5th respondent but also the comments of the State Government, the appellant had adequate opportunity to put forward his case. This conclusion in our judgment is untenable. At no stage the appellant was informed that the Central Government proposed to exercise its suo moto power and asked him to show cause against the exercise of such a power. Failure of the Central Government to do so, in our opinion, vitiates the impugned order.”

22. In **M/s. D.N. Roy** (supra), though the grounds mentioned in the application as also the comments thereon, of the State Governments were communicated to provide adequate opportunity to put forward the case but at no stage, the appellant therein was informed that the Central Government proposed to exercise, the suo moto power nor asked the appellant to show cause against the exercise of such a power.

23. Learned counsel for the writ appellants placed reliance upon the aforesaid judgment and, tried to apply the principle laid down therein to a case of Section 9 of the ROR Act, 1971, submitting that a show-cause notice as to why *suo motu* proceedings should not be initiated was required to be issued, before initiating the exercise of *suo motu* power under Section 9 of the Act, 1971.

24. We are of the view on consideration of the judgment in **M/s.D.N. Roy** (supra) that, where the exercise of *suo motu* power by an authority is not governed by any statutory rule prescribing the manner in which such power is to be exercised, a notice may be required to be issued before initiation of the proceedings, having regard to the principles of natural justice, also informing the grounds on which the Authority proposes to initiate the proceedings *suo moto* but, where the exercise of *suo motu* power is specifically governed by statutory provisions, the exercise of such power has to be in accordance with the statutory provisions. The additional requirements, i.e., in addition to those prescribed by the statute or the rules, cannot be imposed which is not contemplated by the statute, as doing that, would amount to legislation by court which is ordinarily not permissible.

25. Section 9 of the ROR Act, 1971 confers revisional power upon the competent authority, which may be exercised either *suo motu* or on an application made to it. The proviso to Section 9 requires that no order adversely affecting any person shall be passed unless such person is afforded an opportunity of making a representation. Rule 23(2) of the Rules, 1989 further provides that, where a *suo motu* revision is initiated, the grounds on which the revision is initiated shall be communicated to the person or persons likely to be adversely affected. The statutory provisions, therefore take care of the observance with the principles of natural justice. On issuance of notice under proviso to section 9 of the ROR Act, the notice can demonstrate before

the concerned authority that the suo motu proceedings need not be invoked or/ and that on the grounds raised no case for issuing suo motu order is made out. In **D.N.Roy** (supra,) no notice was given by the Central Government and the previous order passed by it was recalled which affected the other person. The Hon'ble apex court in such circumstances observed that even if the power was being invoked suo motu by the Cental Government, notice should have been given initimating the grounds on which it was proposed to invoke the suo motu power.

26. In our considered view, for initiation of *suo motu* proceedings under Section 9 of the ROR Act, 1971, there is no statutory requirement to issue a notice firstly calling upon the person concerned to show cause as to why the *suo motu* power should not be invoked and then secondly, to issue to the person or persons likely to be adversely affected, another show-cause notice communicating the grounds on which the power is to be exercised, in terms of proviso to Section 9 of the Act read with Rule 23(2) of the Rules, 1989, before any adverse order is passed. Only one notice is contemplated by the statute and in **D.N. Roy** (supra) also such one notice was the requirement for initiation of the suo moto proceedings.

27. Here, the statute itself provides for the exercise of suo moto power and to issue the notice under the proviso to Section 9. Notice issued pursuant to Section 9, is in the exercise of the suo moto power. The notice under the provision of Section 9 of RoR Act was issued to the appellant. It is

not a case that the petitioner/appellant would not know that the authority under the RoR Act is exercising the power suo moto. The notice itself refers to the provisions of Section 9 of the Act, 1971 and the Rules, 1989. It also refers to the issues, raised in the representation of a person, upon which the petitioner/appellant has been directed to appear before the concerned authority with all necessary documents.

28. In **Healthy Ago Enterprises Pvt Ltd** (supra), this Court, the learned single Judge, observed that the **M/s. D.N. Roy's** case is under Rule 54 of Mineral Concession Rules, 1960 which does not contemplate any show cause notice before initiation of proceedings. But, such notice was required to show cause as to why suo moto proceedings should not be initiated intimating the grounds for initiation of such proceedings. It is so evident from paras 28 and 29 of **Healthy Ago Enterprises Pvt Ltd** (supra) which read as under:

“28. A bare look at Rule 54 of Mineral Concession Rules, 1960, it is clear that, no show cause notice is contemplated before initiation of proceedings. But, the Full Bench of Apex Court held that, such notice is required to show cause as to why suo motu proceedings should not be initiated against this petitioner intimating the grounds for initiation of such proceedings.

29. Rule 54 of Mineral Concession Rules, 1960 though not identical to Section 9 of ROR Act. If, the principle laid down in **D.N. Roy v. State of Bihar** (referred supra) is applied directly, a show cause is required to be issued before initiation of

proceedings, exercising suo motu power under Section 9 of ROR Act. But, no such show cause notice was issued.”

29. The learned single Judge in **Healthy Agro Enterprises Pvt Ltd.**, (supra), did not correctly apply **M/s. D.N.Roy** (supra). It also did not correctly laydown the law as has been reproduced above. As per the **Healthy Agro Enterprises Pvt Ltd.**, (supra) there should be a notice as to why the suo moto proceedings should not be initiated and then, another notice under Section 9 of the RoR Act. There is no such statutory requirement. If the authority in the exercise of the suo moto power comply with the provisions of Section 9 read with Rule 23(2), there is statutory compliance. We therefore are not in agreement with the view taken by the learned single Judge in the **Healthy Agro Enterprises Pvt Ltd** (supra) to that extent, we overrule the **Healthy Agro Enterprises Pvt Ltd** (supra) and hold that the compliance with the provisions of Section 9 of RoR Act by issuing notice read with Rule 23(2) of 1989 Rules is sufficient compliance.

30. We are of the view that the procedure of notice is required in consonance with the principles of natural justice to afford the opportunity of hearing to the person who may be adversely affected. It exists in the statute i.e Act, 1971 and the Rules, 1989. Such a provision was not in Rule 54 of Mineral Concession Rules, 1960. In the absence of any such provision under the Mineral Concession Rules, 1960, it was held by the Hon'ble Apex Court in **M/s.D.N. Roy** (supra) that even for passing an order suo moto the ground should have been intimated and also that the suo moto power was to be

exercised. The suo moto power was not clearly mentioned under the Mineral Concession Rules, 1960. It also did not contemplate any show cause notice. So, if the Central Government had to invoke suo moto power, under the Mineral Concession Rules, 1960, the person likely to be affected must have known that the Central Government was invoking suo moto power and also that on what grounds that power was sought to be invoked. That would enable the effected person to object invocation of the suo moto exercise as also the grounds of invocation of such power. The position here, under the Act, 1971, is different. It specifically provides for the suo moto power which can be invoked by the authority under the Act, 1971. It also takes care of issuance of show cause notice to the person likely to be affected in the case of suo moto power being invoked.

31. In **M/s D.N. Roy** (*supra*), there was no provision corresponding to Section 9 of the ROR Act, 1971 read with Rule 23(2) of the Rules, 1989.

32. The learned single Judge in **Healthy Agro Enterprises Pvt Ltd.**, (*supra*), in para 29 observed that “Rule 54 of Mineral Concession Rules, 1960 though not identical to Section 9 of RoR Act”, but still applied **M/s. D.N. Roy** (*supra*) and held that a show cause notice was required to be issued, for the initiation of proceedings exercising suo moto power under Section 9 of RoR Act and as no such show cause notice was issued, the learned single Judge interfered with the order impugned in that case. We are of the considered view that the principle of law as in **M/s. D.N. Roy** (*supra*) is already

incorporated in RoR Act. The Mineral Concession Rules, 1960 did not contain **(1)** the suo moto exercise of power and **(2)** the exercise of such power by issuance of notice to the person likely to be adversely affected. It is a settled principle of law that if the rules are silent on providing the opportunity of hearing to a person likely to be adversely affected and there is also no express bar of the applicability of the principles of natural justice, the principles of natural justice of providing the opportunity of hearing are to be necessarily read into rules. In **M/s. D.N. Roy** (supra), the Hon'ble Apex Court infact read those principles in the Mineral Concession Rules, 1960. But, in the present case under RoR Act, the principles of natural justice to provide the opportunity of hearing even where the authority is invoking its suo moto power, have specifically been incorporated and the procedure has been prescribed, to be followed, i.e issuance of notice under proviso to Section 9. The statute Act, 1971 takes care of the principles of law as laid down in **M/s. D.N. Roy** (supra).

33. In **Rza Textiles Ltd., vs. Income Tax Officer, Rampur**³, cited by the learned counsel for the petitioner, it was held that the judicial review of an order the quasi judicial authority is permissible. That is the settled position in law. But, here, the authority has not yet passed any order. Its only the stage of show cause notice. It is well settled in law that show cause notice is open for judicial review on limited grounds.

³ (1973) 1 SCC 633

34. Here, the challenge made is only on the ground of want of jurisdiction in the authority issuing the notice, as the said authority did not issue any previous notice to show cause as to why the suo moto power be not invoked. Such a previous notice is not mandated by the statute. The only notice required under the RoR Act is in term of Section 9, proviso, read with Rule 23(2) of the 1989 Rules which has already been issued. There is no error of jurisdiction in the authority which was the competent to issue the notice under Section 9 of RoR Act, 1971.

35. The contention of the writ appellants that a prior notice was mandatory before initiation of *suo motu* proceedings pursuant to notice under section 9 of the ROR Act cannot be accepted. Such submission is rejected.

36. In view of the aforesaid position of law the authority Under Section 9 of the RoR Act has the jurisdiction to invoke suo motu power and for proceeding with the matter in terms of Section 9 of RoR Act for which notice has already been given to the writ appellant. The writ appellant may file objections/explanation to the said notice before the authority concerned which should consider and decide the matter pending before it in accordance with law, expeditiously and with due opportunity to the concerned parties.

37. The writ appeal is ***dismissed***, but with the aforesaid observations and direction.

38. A copy of this order be sent to the respondent No.2-the District Collector, Guntur District and the respondent No.3-the Joint Collector-cum-Revisional Authority under RoR Act, Guntur, Guntur District.

No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending, shall also stand closed.

RAVI NATH TILHARI, J

ALAPATI GIRIDHAR, J

Date :20.08.2026.

Note:

L.R copy to be marked.

B/o.

RPD/Gk.

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**THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI
AND
THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR**

WRIT APPEAL NO: 999 of 2026

Date: 20.08.2026

RPD/Gk