

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.37585 of 2015

ORDER:

Heard the learned counsel for the petitioners, learned Government Pleader for Revenue and the learned Government Pleader for Endowments.

The petitioners question the impugned order of the 2nd respondent in File No.F1/6168/2015, dated 30-10-2015 rejecting their appeal under Section 24(1) of the A.P. (Telangana Area) Abolition of Inams Act, 1955 (for short 'the Act') as not maintainable.

Learned counsel for the petitioners' states that the order impugned is erroneous inasmuch as against the fresh order passed by the 3rd respondent on 29-08-2015, the said appeal was rightly filed and the reasons given under the impugned Memo are clearly unsustainable.

I have seen the earlier order of the then Joint Collector in File No.F1/1443/2012, dated 17-11-2012, wherein while disposing of the earlier appeal of the petitioners, the learned Joint Collector set aside the order of the 3rd respondent, dated 21-01-2012 in File No.A2/1684/10 and directed the 3rd respondent to conduct denovo enquiry and after perusing all the connected documents of both the parties, pass orders duly following the procedure. Thereafter, the 3rd respondent has passed further order in Proc.No.J/9264/12, dated 29-08-2015 rejecting the claim of the petitioners with regard to grant of Occupancy Right Certificate holding that the land in question belongs to Sri Balaji Venkateshwara Swamy Temple and the Temple is entitled to the Occupancy Right Certificate. Aggrieved by the said order, the petitioners have preferred the present appeal before the 2nd respondent.

It is apparent from the above that even though the earlier appeal of the petitioners was disposed of by the then Joint Collector, the matter was remitted to the 3rd respondent for fresh consideration and the 3rd respondent has passed the fresh order and the appeal against the said order undoubtedly lies under Section

24(1) of the Act. The impugned order, therefore, cannot be sustained and it is accordingly set aside.

The appeal of the petitioners shall stand remitted to the 2nd respondent for due consideration, after notice to all the parties and further directing the 2nd respondent to examine the appeal on its own merits and pass appropriate orders in accordance with law.

Accordingly, the writ petition is allowed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 19-11-2015

Prv

