

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WRIT PETITION No.41505 of 2015

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ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue for the respondents.

2. The petitioners, who claim to be assignees with respect to agricultural lands in Survey No.199 of Pullur Village, SR Puram Mandal, Chittoor District, state that by virtue of a *suo moto* revision, the Joint Collector, Chittoor District, under D.Dis. (E4)/1320/2010, dated 30.08.2010, cancelled the assignments of all the six assignees including all the five petitioners. Against the said order, the petitioners have preferred an appeal on 11.10.2010 which is pending before the second respondent in Appeal No.BCW2/518/2010 along with an interim application for stay. It is also stated that the second respondent has already taken note of the appeal and has fixed various dates of hearing of the appeal, but the appeal is not yet heard nor any orders are passed in the stay petition. In the meanwhile, the petitioners state that they came to know under the Right to Information Act, 2005, that the Village Revenue Officer, on instructions of the Tahsildar, has changed their revenue entries of the said lands. The petitioners' names were deleted and the Government was shown as owner of the lands.

3. The primary contention of the learned counsel for the petitioner is that when the statutory appeal is pending, the 4th respondent and his subordinates ought to have awaited

adjudication in the said appeal and should not have changed the revenue entries. He also submits that pending the hearing of the appeal, if respondents 3 and 4 assign the said land to other third parties, thereby creating multiplicity of litigation and third party interest will be created.

4. Learned Government Pleader points out that the order of the Joint Collector was passed on 30.08.2010 and only on 11.10.2010 and the petitioners filed an appeal and the appeal is pending before second respondent, but there is no interim order of stay. However, he is not in a position to state as to whether the said land is assigned to any third party or utilized for any public purpose during the last five years.

5. Be that as it may, it is appropriate to direct the second respondent to fix an early date of hearing, hear the parties and decide the appeal itself as referred to above in stead of taking up any interim application after lapse of five years. Pending consideration and passing of appropriate orders by the second respondent in the said appeal, however, the *status quo* existing as on today with regard to the entries in the revenue record relating to the aforesaid land shall, however, be maintained and the said entries shall be subject to orders of the second respondent in the appeal as directed above.

6. The Writ Petition is disposed of accordingly. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE VILAS V.AFZULPURKAR

22nd December, 2015

Note: Issue C.C. in three (3) days.

(B/o.)

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