

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

Writ Petition No.23077 of 2015

Between:

Datla Veera Venkata Satyanarayana Papaiah Raju

... Petitioner

and

The State of Andhra Pradesh,
Rep. by its Principle Secretary,
Revenue Department,
Secretariat, Hyderabad and four others.

... Respondent(s)

DATE OF JUDGMENT PRONOUNCED: 28th July, 2015.

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

- 1 Whether Reporters of Local newspapers may be Yes/No allowed to see the Judgments?
- 2 Whether the copies of judgment may be marked Yes/No to Law Reports/Journals
- 3 Whether Their Ladyship/Lordship wish to see the Yes/No fair copy of the Judgment?

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THE HONOURABLE SRI JUSTICE VILAS V. AFZULPURKAR

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WRIT PETITION No.23077 OF 2015

ORDER:

Petitioner questions the show cause notice issued to him by the Revenue Divisional Officer/Sub-Collector, Narsipatnam-3rd respondent in the appeal RC.No.303/2014/B, dt.22.08.2014.

Petitioner is the 1st respondent in the said appeal which was filed by 5th respondent seeking grant of pattadar pass book and questioning the pattadar pass book and title deed issued to the writ petitioner on the ground that the petitioner has no right, title or possession over the schedule land of Ac.1.10 cents in Sy.No.143 of Vemulapudi Village, Narsipatnam Mandal, Visakhapatnam District.

Petitioner filed his counter in the said appeal by raising various contentions. However, the present writ petition is filed alleging that the said appeal is barred by limitation and without adjudicating upon the issue as to whether delay deserves to be condoned or not, the main appeal could not have been numbered and issued notice to the petitioner, which is impugned in this writ petition.

I am not impressed with the said contention, as much as the 3rd respondent has issued only notice to the petitioner calling upon him to submit his objections/counter and petitioner has already filed his counter.

Whether the appeal filed by the 5th respondent suffers from delay and whether the delay deserves to be condoned and if so whether the appeal has any merits, are all the matters which the 3rd respondent has to consider after hearing both sides.

Since the impugned notice in fact gives an opportunity to the petitioner, I find that there is no ground to entertain this writ petition against the said notice,

especially when the petitioner has already availed the opportunity of filing counter by raising all his contentions before the 3rd respondent.

In view of the above, it is appropriate for the 3rd respondent to deal with the said appeal in accordance with law and consider the aspect of delay while hearing the appeal and pass appropriate orders after hearing both the parties in accordance with law.

With the above observation, this Writ Petition is disposed of. There shall be no order as to costs.

As a sequel, miscellaneous applications pending if any, shall stand dismissed.

VILAS V. AFZULPURKAR, J

28th July, 2015.

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