

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA
PRADESH

* * *

WRIT PETITION No. 28427 of 2015

BETWEEN

D.Ramulu

... PETITIONER

AND

The State of Telangana, Rep. by its Principal Secretary,
Revenue Department and others

...RESPONDENTS

Date of Order pronounced: 04.09.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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

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ORDER:-

Heard.

2. Petitioner states that he applied for grant of Occupancy Rights Certificate (ORC) under the A.P. (Telangana Area) Abolition of Inams Act, 1976 under the prescribed proforma before the fourth respondent and the same is pending with the third respondent. The third respondent has already called for pahani extract and check memo from the fourth respondent on 06.07.2013 as well as on 19.02.2014. Petitioner, however, states that the said enquiry pending in file No.A2/4497/2013 is required to be adjudicated by the third respondent himself as he is the primary authority for consideration of ORC, instead the third respondent has called for report from the fourth respondent. Hence, to that extent the requisition sent by the fourth respondent is questioned in this writ petition.

3. It is, however, true that the third respondent is the competent authority to consider the ORC and it is also true that the relevant aspects are required to be considered by the Revenue Divisional Officer, particularly, relating to the crucial date and that the proceedings of the RDO calling for pahani extracts from the fourth respondent correctly show that he has called for the most relevant extracts of revenue entries viz., pahani and check memos relating to the survey numbers concerned and since that was done way back in July, 2013, the fourth respondent must have already sent the necessary record to the third respondent.

4. Insofar as the report called for from the fourth respondent is concerned, it is only with regard to the revenue entries and factual position as on the crucial date. Hence, it cannot be said that there is any illegality. However, the third respondent is required to consider petitioner's aforesaid application by conducting appropriate enquiry and pass appropriate orders expeditiously.

With the above direction, writ petition is disposed of.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

September 3, 2015
LMV

VILAS V. AFZULPURKAR, J