

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

* * *

WRIT PETITION No. 26195 of 2015

BETWEEN

M.Venugopal Reddy and another

... PETITIONERS

AND

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

...RESPONDENTS

Date of Order pronounced: 19.08.2015

SUBMITTED FOR APPROVAL:

-

-

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

- | | |
|--|--------|
| 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 |

-

-

ORDER:-

Heard.

2. Petitioners question the order of the Joint Collector dated 01.05.2015 permitting withdrawal of revision by respondent

Nos.6 and 7 and the consequential notice issued by the Revenue Divisional Officer (RDO), respondent No.4 dated 04.07.2015 calling upon the petitioners to show cause and appear before them in the appeal for consideration of the appeal.

3. In view of the fact that the order of the Joint Collector dated 01.05.2015, which is impugned, being a discretionary order of the Joint Collector, no rights of the petitioners are affected by the said order. Further, the said order merely permits withdrawal of revision with a liberty to file appeal along with the condone delay petition. Hence, I do not see any reason to entertain this writ petition against the said order.

4. Insofar as the notice issued by the RDO dated 04.07.2015 is concerned, it is merely a notice on the appeal preferred by respondent Nos.6 and 7 along with the application for condoning the delay requesting the appellate authority to entertain the appeal duly condoning the delay. The prayer of the said appellants in paragraph 8 of the appeal grounds is merely reiterated in the subject mentioned under the impugned notice. It does not therefore mean that the RDO has already condoned the delay.

5. Though the petitioners have raised several objections with regard to the maintainability of the appeal by respondent Nos.6 and 7, I do not propose to go into all those aspects as it is for the petitioners to raise these grounds by way of counter/objections before the RDO and it is the RDO, who is competent to go into all those questions including limitation of the appeal, and whether condonation of delay is warranted and also on merits of the said appeal. Hence, it is premature to entertain the writ petition at this stage as the petitioners' pattadar passbooks are being questioned by respondent Nos.6 and 7 and the appeal preferred by them before the RDO is yet to be considered by the RDO for which he had given notice to the petitioners.

Writ petition is disposed of with the liberty to the petitioners to raise all their contentions on the delay as well as on merits before the RDO, who shall consider the same and pass a reasoned order in the appeal. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

August 19, 2015

Note:-

Furnish copy by two days.

{B/o}

LMV