

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.21338 OF 2015

ORDER:

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

The peculiar facts of the case are that aggrieved by the refusal order, dated 22.10.2014, issued by the Sub Registrar, Tirupati, Chittoor District, the 3rd respondent, the petitioners herein, who are the brothers, are stated to have filed Appeal No.1 of 2015 before the District Registrar, SBRD, Tirupati, Chittoor District, the 2nd respondent, and the same was dismissed on 31.05.2015. The order copy communicated to the petitioners by the 2nd respondent, annexed as Ex.P8 to the Writ Petition, shows that the said appeal was filed by Sri D. Venkata Subba Reddy and the same was considered and dismissed.

Learned counsel for the petitioners submits that rejection of the petitioners' appeal by showing some other appellant's name is erroneous and even the 2nd respondent did not consider their contentions raised in the appeal.

On noticing the above discrepancy, on 31.07.2015 I had directed the District Registrar to be present here along with instructions and counter. On 10.08.2015, the District Registrar was present and counter affidavit was filed and it is also brought to the notice of the Court that Sri D. Venkata Subba Reddy impleaded himself as one of the appellants and Vakalat was also filed on his behalf. In those circumstances, the appeal was considered and disposed of by showing Sri D. Venkata Subba Reddy as the appellant. Counter affidavit of the District Registrar also reiterates the same stand.

There is no clarity from the record of the District Registrar as to why Sri D. Venkata Subba Reddy got himself impleaded in the appeal filed by the petitioners and as to how the order came to be passed in his name, when actually the appeal was preferred by the petitioners. It is evident that the appeal was not considered after hearing the petitioners.

In these circumstances, I am of the view that the impugned order, dated 31.05.2015, is liable to be set aside and is accordingly set aside and the matter is remitted to the 2nd respondent for fresh consideration. The 2nd respondent shall give notice to all the parties by fixing a date of hearing and pass appropriate orders in Appeal No.1 of 2015 in accordance with law within a period of two months from the date of receipt of a copy of this order.

With the above observations, the Writ Petition is allowed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

VILAS V.AFZULPURKAR, J

01.09.2015
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