

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WRIT PETITION No.32438 of 2015

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ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for Revenue appearing for respondents 1 to 4.

The petitioners question the report, dated 10.09.2015, Ex.P1, sent by the Tahsildar, Guntakal, Anantapur District, the 4th respondent, to the Revenue Divisional Officer, Guntakal, Anantapur District, the 3rd respondent.

Learned counsel for the petitioners state that the said report is entirely biased and is factually and legally incorrect and the 4th respondent has deliberately sent the said report against the petitioners in spite of the fact that the petitioners have already obtained a decree in O.S.No.144 of 2010 and the complaint lodged by the petitioners in Crime No.93 of 2015 registered with the Guntakal Rural Police Station is pending investigation.

Even assuming that the report of the 4th respondent, which is impugned herein, is factually and legally incorrect, I do not see any civil rights of the petitioners are being affected inasmuch as it is only a report sent by the sub-ordinate officer to higher officer. The Revenue Divisional Officer, who is seized of the appeal, is undoubtedly entitled to call for a report from his sub-ordinates and can always examine the report independently and take appropriate decision in the matter. Apart from that, the petitioners are entitled to defend themselves on facts as well as on law in the appeal stated to be pending before the 3rd respondent. They are also entitled to show that the report sent by the 4th respondent is incorrect and cannot be relied

upon. However, challenge to the said report in the present Writ Petition, in my view, is clearly impermissible as the said impugned report does not determine any civil rights of the petitioners in any manner. Hence, I do not see any reason to entertain the Writ Petition.

The Writ Petition is accordingly dismissed. There shall be no order as to costs.

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

VILAS V.AFZULPURKAR, J

06.10.2015

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