

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WRIT PETITION No.37929 OF 2015

ORDER:

Heard.

The petitioners claim that they have filed applications under Sections 40 and 32 of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950 (for short, 'the Act'). Complaining of inaction in entertaining the said applications, W.P.No.15988 of 2015 was filed and during pendency of the said Writ Petition, the petitioners' applications were numbered as B/605/2015. The said Writ Petition was disposed of on 09.06.2015. Thereafter, the 3rd respondent issued the impugned Memo, dated 15.09.2015, to the petitioners pointing out that their claim for succession cannot be considered in the name of Kaki Keshavulu as the original P.T. is stated to be recorded as Kaki Ramulu etc.

Learned Government Pleader for Revenue has received instructions, but they are not clear as to who are the protected tenants and why the petitioners applications are not maintainable when they claim to be the legal heirs of one Kaki Laxmaiah, one of the joint tenants, along with Kaki Ramulu.

In any case, it is a matter for which enquiry is required to be conducted by the 3rd respondent under Section 40 of the Act, if an application to that effect is filed by the petitioners and thereafter the 3rd respondent can take up and decide further application filed under Section 32 of the Act, if filed by the petitioners. The present impugned Memo is apparently issued without notice to the petitioners and without seeking clarification therefor. Hence, learned Government Pleader for Revenue is also unable to sustain the said Memo.

Hence, the impugned Memo is set aside and the applications of the petitioners vide File B/605/2015, dated 15.09.2015, shall stand restored by the 3rd respondent, who shall give notice to the petitioners, seek appropriate clarification and then deal with the said applications in accordance with law after hearing all the necessary parties.

The Writ Petition is accordingly 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

24.11.2015

KH