

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.9369 OF 2015

ORDER:

This writ petition is filed by the petitioner questioning the inaction of the 2nd respondent-R.D.O in conducting the enquiry except giving the appeal No.D/7131/2013 pursuant to the appeal dated 09.07.2013, filed under Section 5(5) of A.P. Rights in Land & Pattadar Pass Books Act, 1971 (for short, "the Act") for cancellation of proceedings dated 14.02.2012 issued by the 3rd respondent-Tahsildar in favour of the 4th respondent for the land over an extent of Ac.0.25 gts in Sy.No.825, Husnabad Village and Mandal, Karimnagar District.

It is the case of the petitioner that he is the absolute owner and possessor of the above said land as he purchased the same through a registered document dated 28.03.2002. Petitioner's name was mutated in the revenue records and pattadar pass books and title deeds were also issued in his favour. While so, the 4th respondent with a *malafide* intention to grab the petitioner's land has created fake, fictitious and forged succession proceedings dated 14.02.2012 with the help of the 3rd respondent. It is further stated that the 3rd respondent did not issue any notice to the petitioner before issuing the proceedings dated 14.02.2012 in favour of the 4th respondent. Aggrieved the proceedings dated 14.02.2012 issued by the 3rd respondent-Tahsildr, the petitioner filed an appeal before the 2nd respondent-R.D.O on 09.07.2013 seeking to cancel the same and it was numbered as D/7131/2013. It is stated that when the 2nd respondent did not choose to consider the appeal filed by the petitioner, the petitioner submitted an application to the Joint Collector on 08.01.2014, praying to cancel the proceedings dated 14.02.2012. Thereafter, the Joint Collector vide his proceedings dated 12.02.2014, directed the 2nd respondent-RDO to conduct a detailed enquiry and take appropriate action as per rules and asked to furnish the report within a period of one week positively. But, the 2nd respondent did not take any action so far. Hence, the present writ petition.

Heard Sri G. Madhusudhan Reddy, learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue.

Learned counsel for the petitioner submits that even though the Joint

Collector vide his proceedings dated 12.02.2014 directed the 2nd respondent to conduct a detailed enquiry and take appropriate action as per rules, the 2nd respondent has not take any action so far and hence he prays to allow the writ petition.

The right of appeal being a statutory right under the Act and the petitioner's right cannot be put in jeopardy and make the appeal provision itself nugatory. In that view of the matter, there is an obligation cast on the 2nd respondent to pass appropriate orders on the appeal filed by the petitioner on 09.07.2013.

Having regard to the facts and circumstances of the case and especially in view of the limited grievance of the petitioner that the appeal dated 09.07.2013 pending before the 2nd respondent, interest of justice would be served, if a direction is given to the 2nd respondent to dispose of the appeal itself within a period of three months from today.

With the above direction, the writ petition is disposed of. Miscellaneous Petitions, if any pending in this writ petition shall stand closed. No order as to costs.

CHALLA KODANDA RAM,J

Date:06.04.2015.

Gk.

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