

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.11541 OF 2015

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ORDER:

Challenging the inaction of the 2nd respondent-Joint Collector, in granting stay of operation of the order dated 21.02.2015 of the 3rd respondent-Revenue Divisional Officer, the present writ petition is filed.

It is the case of the petitioner that she was assigned the land over an extent of Ac.3.70 cents, situated in Sy.No.245, Thalapur Village, Atamakur Mandal, Anantapuram District, and she has been in continuous possession and enjoyment of the same for more than 25 years; that due to severe draught condition in the District, the entire family members of the petitioner went to Karnataka State for eking out their livelihood and taking advantage of their absence, the 5th respondent misrepresented the revenue authorities and obtain D-Form patta in DAR Dis.No.20/1419 dated 12.04.2010, from the then Tahsildar of Atmakur Mandal, Anantapur District. Aggrieved thereby, the petitioner preferred an appeal before the 3rd respondent-R.D.O for cancellation of assignment in favour of the 5th respondent and the 3rd respondent dismissed the appeal of the petitioner on the ground that the 5th respondent raised jawar crop in the land and then the petitioner preferred a revision before the 2nd respondent-Joint Collector along with the stay petition seeking stay of the operation of the order of the 3rd respondent, pending revision before him and the 2nd respondent-Joint Collector did not choose to dispose of the revision of the petitioner. Hence, the present writ petition.

Heard Sri K. Srinivas, learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue(A.P).

Learned counsel for the petitioner submits that even though the petitioner preferred a revision before the 2nd respondent-Joint Collector on 21.02.2015, against the proceedings of the 3rd respondent, the 2nd respondent has not take any action so far and hence he prays to allow the writ petition.

The right of appeal/revision being a statutory right under the A.P. Rights in Land & Pattadar Pass Books Act, 1971, and the petitioner’s right cannot be put in jeopardy and make the appeal/revision provision itself nugatory. In that view of the matter, there is an obligation cast on the 2nd respondent to pass appropriate orders on the revision/appeal filed by the petitioner on 21.02.2015.

Having regard to the facts and circumstances of the case and especially in view of the limited grievance of the petitioner that the revision dated 21.02.2015 pending before the 2nd respondent-Joint Collector, interest of justice would be served, if a direction is given to the 2nd respondent-Joint Collector, to dispose of the revision itself within a period of four 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:22.04.2015.

Gk.

HON’BLE SRI JUSTICE CHALLA KODANDA RAM

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