

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH

* * *

WRIT PETITION No. 31732 of 2015

BETWEEN

Chappati Shantaram and another

... PETITIONERS

AND

The State of Andhra Pradesh, rep. by its Principal Secretary and others

...RESPONDENTS

Date of Order pronounced: 30.09.2015

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

1. Whether Reporters of Local newspapers Yes/No

may be allowed to see the Judgments?

2. Whether the copies of judgment may be Yes/No

marked to Law Reporters/Journals?

3. Whether his Lordship wish to see the Yes/No

fair copy of the Judgment?

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ORDER:-

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

2. Petitioners question the notice issued by the Revenue Divisional Officer (RDO), third respondent, with respect to an appeal filed before him under Section 5(5) of the A.P. Record of Rights in Land and Pattadar Passbooks Act, 1971. Said notice merely directs the petitioners and other respondents to appear on the date of hearing fixed by the RDO. Petitioners question the said notice on the ground that the appeal itself is barred by limitation and it is moved after 62 years and thereby seeks to contend that the RDO had no jurisdiction to entertain the appeal.

3. However, the question of limitation is always a mixed question of law and fact and there is no reason why petitioners cannot approach the said RDO and raise all his contentions. The fact that the RDO has power to entertain the appeal under Section 5(5) of the Act, is not disputed. If the petitioners seek to contend that the appeal is not maintainable on any ground, it is open for them to appear and raise their objections on the question of law as well as on the facts before the RDO and if such questions are raised, the RDO is empowered and shall decide the said questions while hearing the appeal. No reason, therefore, exists to entertain the writ petition directed against the notice issued by the third respondent for appearance in the said appeal.

Hence, the writ petition is dismissed. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

September 30, 2015

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THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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