

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

WRIT APPEAL No. 762 OF 2005

and

WRIT PETITION No.12618 of 2003

18.11.2015

WRIT APPEAL No. 762 OF 2005

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Between:

Bommati Katta Mallaiah,

Warangal District and others.

... Appellants

And

Bommati Kanakalakshmi,

Warangal District and others.

... Respondents

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

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COMMON JUDGMENT: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

This writ appeal is directed against the order dated 24.12.2003 in Writ Petition No.12618 of 2003 filed by respondent Nos.1 to 3. By this order, writ petition has been allowed and matter is remanded to the second respondent to conduct an enquiry under Rule 6 of the Andhra Pradesh (Telangana Area) Abolition of Inams Rules, 1975 (for short 'the Rules'), after giving an opportunity of being heard to the parties. This order was passed on the assumption that enquiry under Rule 6 of the Rules had not been conducted.

The appellants have, however, placed on record the order dated 28.12.2002 passed by the Revenue Divisional Officer (Inams Tribunal), Warangal, and contended that remand of the matter for conducting enquiry under Rule 6 of the Rules is not necessary since that enquiry has already been conducted.

We have perused the order dated 28.12.2002. It is not in dispute that this order is passed in the proceedings under Rule 6 of the Rules and it is detailed order. Unfortunately, this order was not brought to the notice of the learned Judge, which resulted the order of remand.

In this backdrop, we made certain suggestions to learned counsel for the parties and they have readily agreed for the order, which we propose to pass. We, accordingly, dispose of writ appeal by the following order:

"The order dated 24.12.2003 passed in W.P.No.12618 of 2003 is set aside. Respondent Nos.1 to 3 are allowed to withdraw the writ petition (W.P.No.12618 of 2003). Writ Petition is accordingly disposed of as withdrawn.

It is open to respondent Nos.1 to 3 to challenge the order dated 28.12.2002 passed by the Revenue Divisional Officer (Inams Tribunal), Warangal, in Rc.No.D/3293/2002, in appeal under Section 24 of the Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955, within a period of six weeks from today. If the appeal is filed, as aforementioned, within six weeks from today, the appellate authority shall deal with the same, without entering into an issue of limitation and

decide it on merits, after granting an opportunity of being heard to the appellants. The appellate authority shall decide the appeal as expeditiously as possible and preferably within a period of six months from the date of its filing. All contentions of the parties on merits are kept open.”

Miscellaneous petitions, if any, also stand disposed of. No order as to costs.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

18.11.2015

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