

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.7282 OF 2015

ORDER:

This writ petition is filed by the petitioner questioning the inaction of the 2nd respondent either in considering the stay application or in disposing of the revision petition filed by the petitioner on 15.12.2014 under The A.P Rights in Land and Pattadar Pass Books Act, 1971 (for short, "the Act") against the orders passed by the 3rd respondent in Roc.No.1329/2014 (D) dated 30.10.2014.

It is the case of the petitioner that his grand mother by name late Rajanala Chandramma was the original owner of the land over an extent of Ac.1.23 cents in R.S.No.661/1, Kamavarapukota Village and Mandal, West Godavari District, as the same was allotted in her favour vide orders in I.R.No.424/63, dated 04.09.1965 and issued patta in her name by the Settlement Officer, Eluru. Later, on the demise of said Rajanala Chandramma, the said land was inherited to her daughter Smt Gorre Anasuyamma, D/o. Rajanala Chandramma and thereafter since the petitioner being her only son, the revenue officials concerned after a thorough enquiry granted pattadar pass books and title deeds bearing No.659092 IB.No.2526 in his favour and his name was mutated in the revenue records. Since then, the petitioner has been in peaceful possession and enjoyment of the said lands without any interruption. While so, when one Mr. Karaturi Raghavulu made a false claim over the said property and objected for issuance of the pass books and title deeds in favour of the petitioner, the 3rd respondent-R.D.O without conducting proper enquiry and without following the due process of law illegally cancelled the pattadar pass books issued in favour of the petitioner by his order dated 30.10.2014. Aggrieved thereby, the petitioner preferred a Revision Petition on 15.12.2014

before the 2nd respondent-Joint Collector as per the provisions of the Act. Petitioner also filed a Stay application along with the revision petition seeking stay of execution of the operation of the order dated 30.10.2014 of the 3rd respondent and it is pending. It is stated that even though the revision petition along with the stay application were filed on 30.10.2014, the 2nd respondent did not choose either to number the revision petition or pass any orders in the stay petition. Hence, the writ petition.

Heard Sri M.L.Ali, learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue.

Learned counsel for the petitioner submits that even though the petitioner filed revision petition along with the stay application on 30.10.2014, the 2nd respondent has not take any steps either to number the revision petition or pass any orders in the stay petition so far and hence he prays to allow the writ petition.

The right of Revision being a statutory right under the Act and the petitioner's right cannot be put in jeopardy and make the Revision itself nugatory. In that view of the matter, there is an obligation cast on the 2nd respondent to pass appropriate orders on the interim suspension application filed by the petitioner pending disposal of the main appeal/revision dated 30.10.2014.

Having regard to the facts and circumstances of the case and especially in view of the limited grievance of the petitioner that the appeal/revision along with the stay application are pending before the 2nd respondent, interest of justice would be served, if a direction is given to the 2nd respondent either to dispose of the stay petition or the revision itself within a period of three months from today. Till such time either the stay petition or the revision petition, whichever is earlier, is

disposed of, the petitioner shall not be dispossessed from his possession.

With the above directions, 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:20.03.2015.

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