

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.7058 of 2015

ORDER

This writ petition is filed seeking to quash the proceedings in Case No.F1/2923/2014 dated 01.11.2014 of the 2nd respondent in respect of the land admeasuring Ac.6.35 gts in Sy.No.100 and Acs.14.14 gts in Sy.No.101, total admeasuring Acs.21.09 gts, situated at Taramathipet Village of Hayathnagar Mandal, Ranga Reddy District and consequently to set aside the proceedings in File No.E/17/1975, dated 30.10.1979 of the 3rd respondent.

2. The petitioners challenge the order dated 01.11.2014 passed by the 2nd respondent in exercise of the appellate power under Section 24 of Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955. The order impugned reads as under;

“On scrutiny of the appeal filed it is found that the appeal is preferred after 35 years.

Therefore the appeal is rejected for the above reason at the stage of admission accordingly”.

A perusal of the said order makes the mockery of the appellate remedy and the system of quasi judicial authority in considering and deciding the valuable legal rights of the citizens. Being an appellate authority, the 2nd respondent was required to consider the orders of his subordinates and deal with both factual as well as the legal aspects, which unfortunately has not been done in the present case. Since the order impugned is a non-speaking order and was passed without hearing the parties and without adverting to either facts or law, the order is liable to be set aside and accordingly, the same is set aside. Though respondents 4 to 9

have been made as private respondents before the 2nd respondent, considering the fact that the appeal itself is not taken up for hearing and no notice was issued to them, I do not consider it necessary to issue notice to them in the present case. As no prejudice, as such, would be caused if the order impugned is set aside, a direction is issued to the 2nd respondent to consider the appeal filed by the petitioners on merits and dispose of the same in accordance with law.

3. Accordingly, the Writ Petition is allowed. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

CHALLA KODANDA RAM, J

18th March, 2015

sj