

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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W.P. NOs. 18603 & 23061 of 2014

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Date of Judgment: 25.6.2015

W.P.No. 18603 of 2014

Between:

Smt. Poosapati Annapurnamma

...Petitioner

And

The District Collector, Visakhapatnam and others

..Respondents

And

W.P.No. 23061 of 2014

Between:

Sri Maharaja Alaknarayan Society of Arts and Science
(Mansas) Trust, Fort, Vizianagaram

...Petitioner

And

The Government of Andhra Pradesh and others

..Respondents

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THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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W.P. NOs. 18603 & 23061 of 2014

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COMMON ORDER:

Both these writ petitions relate to same subject matter and hence they are disposed of by this common order.

W.P.No. 18603 of 2014 is directed against an endorsement of the District Revenue Officer, Visakhapatnam, dated 30.6.2014 whereby the application filed by the petitioner for impleadment in an appeal filed by the 5th respondent against the order of Revenue Divisional Officer, Visakhapatnam in File No. 2505/2004/C, dated 31.1.2013, was dismissed.

The petitioner in W.P.No. 23061 of 2014 filed another appeal before the same appellate authority i.e., District Revenue Officer, Visakhapatnam against the order of Revenue Divisional Officer, Visakhapatnam in File No. 2505/2004/C, dated 31.1.2013 and his grievance in this writ petition is that the appellate authority is not taking up the appeal and has not passed any interim orders on the interlocutory application filed by him in the said appeal.

Though the private respondents were served, there is no appearance on their behalf in both these writ petitions.

I have learned counsel for the both the writ

petitioners as well as learned Government Pleader for Revenue appearing for the official respondents.

The subject matter of the appeals pending before the District Revenue Officer, Visakhapatnam is the order of Revenue Divisional Officer, Visakhapatnam in File No. 2505/2004/C, dated 31.1.2013 which was passed under Section 10A (2) of the Andhra Pradesh (Andhra Area) Inams Abolition and Conversion into Ryotwari Act, 1956. While the grievance of the petitioner in W.P.No. 18603 of 2014 is for not permitting him to be impleaded in the appeal filed by the 5th respondent, the grievance of the petitioner in W.P.No. 23061 of 2014 is with regard to non-consideration of his stay application pending the appeal by the appellate authority.

While there is an interim stay operating in W.P.No. 18603 of 2014 by virtue of order dated 14.7.2014 passed by this Court, the appeal of the petitioner in W.P.No. 23061 of 2014 could not be taken up and has not been considered by the appellate authority.

Nobody appeared for the 5th respondent, though served. The relief sought for by the petitioner in W.P.No. 18603 of 2014 is only for seeking impleadment in the appeal before the District Revenue Officer, Visakhapatnam so as to enable him to advance his

contentions in the appeal. Since the issue involved in the said appeal relates to grant of patta and more than one appeal is already pending before the appellate authority, I do not see any reason not to permit the petitioner to be impleaded and irrespective of the impleaded petitioner being a party in the original proceedings, he is entitled to be heard in the appeal as a third party. The rejection of the impleadment petition by the appellate authority under the impugned order dated 30.6.2014 is, therefore, set aside and the petitioner shall stand impleaded in the appeal filed by the 5th respondent and pending before the appellate authority.

Accordingly W.P.No. 18603 of 2014 is allowed. Miscellaneous applications, if any, shall stand closed. No order as to costs.

Consequent upon disposal of W.P.No. 18603 of 2014 as above, the interim restraint order passed pending the said writ petition does not any more survive and it shall be open for the appellate authority to consider the request of the petitioner in W.P.No. 23061 of 2014 for passing of interim orders on the stay application pending the appeal before it.

W.P.No. 23061 of 2014 is accordingly disposed of directing the District Revenue Officer, Visakhapatnam to

consider the appeal of the petitioner along with stay application on its own merits and pass appropriate orders after hearing the parties at least to the extent of interim relief sought for by the petitioner in the said appeal, preferably within two weeks from the date of receipt of a copy of this order, as the appeal of the petitioner is pending from 2013 onwards.

Miscellaneous applications, if any, shall stand closed. No order as to costs.

VILAS V. AFZULPURKAR, J

Dt. 25.6.2015

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NB:

CC of order be furnished in two days.

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