

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WRIT PETITION No.41265 OF 2015

ORDER:

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

The petitioner is aggrieved by the order of the then Mandal Revenue Officer and Deputy Collector, Quthbullapur Mandal, Ranga Reddy District, the 4th respondent, in Case No.A/250/2004, dated 23.02.2007, which is stated to have been served on the petitioner on 17.01.2008. He filed an appeal on 22.04.2008 before the Revenue Divisional Officer, Malkajgiri Division, Secunderabad, the 3rd respondent. However, since the said appeal is found not traceable in the office of the respondents, the petitioner filed one more appeal, which is numbered as Appeal No.70 of 2015 and is pending with the 3rd respondent since January, 2015. The petitioner submits that the office of the

3rd respondent is now held by the same officer, who had passed the impugned order in his capacity as the then Deputy Collector and Mandal Revenue Officer, on 23.02.2007, and as such the said order cannot be examined by the same officer sitting as the 3rd respondent. Hence, the present Writ Petition is filed questioning the impugned order, dated 23.02.2007.

It may be that the then Deputy Collector and Mandal Revenue Officer now working as Revenue Divisional Officer, Malkajgiri Division, and since the petitioner states that the order of the then Mandal Revenue Officer is pending in appeal before the 3rd respondent, the same Officer sitting as an appellate authority cannot examine the

same. The issue, however, does not require intervention of this Court by entertaining this Writ Petition and the same can easily be sorted out by the District Collector, Ranga Reddy District, the 2nd respondent, by transferring the appeal to any other Revenue Divisional Officer within his jurisdiction.

The Writ Petition is accordingly disposed of directing the 2nd respondent to examine the grievance of the petitioner, as stated above, and the petitioner's appeal No.70 of 2015 is to be heard and disposed of by transferring the same to any other Revenue Divisional Officer within his jurisdiction, so that the interests of the justice would be served. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

VILAS V.AFZULPURKAR, J

18.12.2015
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