

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.9750 of 2005

ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for respondents 1 and 2. None appeared for respondents 3 to 28.

In the affidavit filed by the petitioners, it is stated that one Shaga Ramaiah, the 3rd respondent herein, filed an application for grant of Occupancy Rights Certificate (ORC) in respect of Acs.4.14 guntas of land in survey Nos.459, 462, 463 and 464 of Alwal Village, Malkajgiri Mandal, Ranga Reddy District. Through proceedings, dated 15.12.2001, the Revenue Divisional Officer, Chevella Division, the 2nd respondent herein, granted ORC in favour of the 3rd respondent. Respondents 4 to 13 were also granted ORC under the same order. It is the case of the petitioners that the said order was passed without hearing them and without impleading them. Questioning the said order, they filed an appeal before the Joint Collector, Ranga Reddy District, the 1st respondent herein. When the appeal was pending, a compromise was entered into between the parties and accordingly they filed a memo along with the terms of compromise, before the 1st respondent. The memo was allowed and the appeal was dismissed on 24.07.2004. But, the 3rd respondent did not comply with the terms of compromise, as a result of which the petitioners filed an application before the 1st respondent seeking restoration of the appeal. The 1st respondent passed an order on 14.01.2005 rejecting the request of the petitioners. While rejecting the said request, the 1st respondent directed the parties to approach the civil Court for rederessal of their grievance, if any.

Learned counsel for the petitioners submits that the order, dated 14.01.2005, was passed without issuing any notice to the respondents and the 1st respondent ought to have restored the appeal, instead of rejecting the application straight away.

On perusal of the record, it is found that respondents 3 to 28 have not filed counter affidavit disputing the averments made by the petitioners. However, the writ petition was dismissed as against respondents 9, 13, 16, 18, 20, 22, 23, 27 & 28.

Now, learned counsel for the petitioners submits that the petitioners do not want to pursue the matter so far as other respondents are concerned, except respondent No.3.

In the above circumstances, the order, dated 14.01.2005, of the 1st respondent is set aside and the 1st respondent is directed to restore the appeal filed by the petitioners and issue notice to the 3rd respondent and dispose of the same in accordance with law. The petitioners are at liberty to work out their remedies so far as other respondents are concerned in appropriate forum.

The writ petition is accordingly allowed, insofar as the 3rd respondent is concerned. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

16.02.2015

GJ