

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.37548 OF 2015

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ORDER:

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

The petitioner had filed an appeal before the Revenue Divisional Officer, Chittoor District, the 3rd respondent, vide D.Dis(G)/56/2012, which came to be disposed of on 24.09.2015, whereunder the Tahsildar, Yadamari Mandal, Chittoor District, the 4th respondent, was directed to conduct a fresh enquiry into the claim of the petitioner and pass appropriate orders. The said order is questioned in this Writ Petition to the extent of directing the 4th respondent to conduct fresh enquiry.

Learned counsel for the petitioner contends that the 3rd respondent himself called for re-survey and re-settlement register and confirmed that Survey No.42 comprises of Acs.50.10 cents of land.

Hence, having been satisfied as to the correctness as per the re-survey and re-settlement register, the 3rd respondent could have passed appropriate orders on the petitioner's application, instead of requiring the 4th respondent to conduct fresh enquiry.

It is evident from the order of the 3rd respondent that he has duly verified the extent of land in Survey No.42 of Diguva Kanathalacheruvu Village, Yadamari Mandal, Chittoor District, and having been satisfied that the extent recorded as per the said register is Acs.50.10 cents and not Ac.0.10 cents as earlier concluded by the 4th respondent, has set aside the order of the

4th respondent and remitted the matter for fresh consideration. The order also shows that having rejected the petitioner's claim earlier on the ground that the said survey number has only Ac.0.10 cents of land, the same 4th respondent produced the R.S.R. extracts showing the extent as Acs.50.10 cents in Survey No.42. In view of the same, the 3rd respondent allowed the appeal and directed the 4th respondent to conduct fresh enquiry. I see neither any error nor any prejudice to the petitioner by virtue of direction to the 4th respondent to re-examine the matter and pass appropriate orders. As the physical verification of the land is required to be done by the 4th respondent, the appellate authority could not take any decision in the matter.

Hence, I do not see any reason to interfere with the impugned order. However, the 4th respondent shall implement the aforesaid direction of the 3rd respondent by conducting necessary enquiry afresh and pass appropriate orders expeditiously, preferably within the period of two months from the date of receipt of a copy of this order.

Subject to the above, the Writ Petition is disposed of. There shall be no order as to costs.

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

VILAS V. AFZULPURKAR, J

18.11.2015

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