

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.6163 OF 2015

ORDER:

Challenging the order dated 31.12.2014, passed by the 2nd respondent-Joint Collector-cum-Additional District Magistrate, the present writ petition has been filed by the petitioner.

The grievance of the petitioners is that the 2nd respondent issued notice dated 30.12.2014, directing them to appear on 08.01.2015 at 2.00 p.m. before him on the revision petition filed by the 3rd respondent. But, surprisingly, the petitioners received a copy of the order dated 31.12.2014, passed in the revision petition without hearing them.

Learned counsel for the petitioners submits that the order dated 31.12.2014 was passed by the 2nd respondent without hearing the petitioners and as such it is in violation of the principles of natural justice. He further submits that the petitioners apprehend that the impugned order is likely to be used by the authorities in various other proceedings which are pending between the parties.

The operative portion of order dated 31.12.2014, reads as under:

“In view of the request made by the petitioner i.e., Tahsildar, Tiruvuru about stay of operation of ROR and as per the confirmation made the Joint Sub Registrar-7 Tiruvuru that the documents produced by the respondents are fake, it is hereby ordered for stay of operation of ROR issued to the respondents vide Patta

No.548 and PPB&TD No.745794 with unique ID No.16308180548 until further orders.”

A perusal of the operative portion reveals that it is an ad-interim order. In the previous paragraph of the same order, the 2nd respondent had taken note of the allegations that several sale agreements have been taking place in R.S.No.22 in Ramannapalem Village by showing a copy of proceedings of Joint Collector-cum-Settlement Officer in S.R.15(1)1/2013, dated 09.12.2013 and the ROR issued to the respondents as *bona fide* documents i.e., Pass book and title deed bearing No.745794 and this is leading to serious Law and Order issue in the Mandal. Considering the nature of urgency, the impugned order quoted above has been passed. The impugned order being an ad-interim order, does not in any way affect the right of the petitioners, except preventing them from utilizing the entries in ROR in the pattadar pass books, pending adjudication of the revision. In the light of the reasons, though, in the fitness of things, the authority could have waited till 8.1.2015 for passing such orders, however, in the facts of the case, it is not a case for interference by way of exercising powers under Article 226 of the Constitution of India.

Accordingly, the writ petition is disposed of. However, it is made clear that the interim suspension of the rights of the petitioners shall not in any way be construed, by any one in any other proceedings, as deciding the rights of the parties in one way or the other. No order as to costs.

Miscellaneous Petitions, if any pending in this writ petition shall stand closed.

CHALLA KODANDA RAM,J

Date:11.03.2015.

Gk.

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