

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 5181 of 2015

ORDER:

The petitioner challenges the order dated 25.11.2014 passed by the 2nd respondent in exercise of the power conferred under Section 9 of the A.P. Rights in Land and Pattadar Passbooks Act, 1971.

2. The petitioner's counsel, by referring to the order dated 01.07.2014 passed by the 3rd respondent and by drawing specific reference to the finding recorded therein with regard to the conduct of the 5th respondent that the 5th respondent was involved in producing fabricated sale deeds and statements of one Sammaiah who in fact died in the year 1994, contends that the 2nd respondent did not apply his mind to the facts of the case and has routinely ordered stay of the order passed by the 3rd respondent. He further submits that the 4th respondent has deliberately furnished a false statement to the effect that the 5th respondent is in possession of the land whereas the facts are otherwise; and in fact the petitioner had specifically brought this aspect to the notice of the 2nd respondent; and hence, the impugned order calls for interference of this Court.

3. On the other hand, learned Assistant Government Pleader submits that the impugned order is only an ad-interim order and it cannot be expected of the 2nd respondent to make a detailed order by making reference to each and every fact and various aspects of the impugned order. He further submits that the order is only a prima facie view and it is based on the report which has been called for from the Tahsildar; and hence, the impugned order does not call for any interference. In that view of the matter, he submits that the petitioner may be directed to approach the 2nd respondent and seek to set at naught the order dated 25.11.2014 by placing relevant material before him.

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4. A perusal of the impugned order reveals that the same came to be passed by the 2nd respondent after calling for a report from the Tahsildar which report mentioned about the 5th respondent being in possession of the property. However, the impugned order does not make any reference to the order dated 01.07.2014 passed by the 3rd respondent wherein specific finding with regard to the conduct of the 5th respondent was made; particularly, relating to forgery and fabrication of certain documents.

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5. In normal circumstances, this Court loathes to interfere with ad-interim orders passed by the administrative or quasi-judicial authorities; but in the facts and circumstances of the present case, particularly in view of the finding recorded in the order dated 01.07.2014 of the 3rd respondent, the impugned order calls for interference and hence, the same is liable to be set aside.

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6. Accordingly, the impugned order is set aside, however, with liberty to the 2nd respondent to pass orders on the stay application after affording an opportunity of hearing to both the parties, in accordance with law.

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7. With the above observations, the writ petition is disposed of. No costs.

CHALLA KODANDA RAM, J

04th March, 2015

KSM