

**HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR**

**W.P.No.30260 of 2015**

**ORDER:**

Heard.

Questioning the order of the 4<sup>th</sup> respondent directing mutation of names of respondents 9 to 11 in the revenue records with regard to the lands admeasuring Ac.3-27 gts., in Sy.No.212/A, 2-30 gts., in Sy.No.213/A, Ac.4-03 gts., in Sy.No.214/A and Ac.17-10 gts., in Sy.No.239 situated at Aloor Village, Chevella Mandal, Ranga Reddy District, the petitioner has preferred an appeal before the 3<sup>rd</sup> respondent. In the said appeal, the petitioner has questioned the very entitlement of the 11<sup>th</sup> respondent by contending that the 11<sup>th</sup> respondent is no way concerned with Adivaiah, who is the father of the petitioner, and in fact, 11<sup>th</sup> respondent is the son of one Late Chandraiah and, therefore, he cannot be successor of Adivaiah. Various other contentions were also raised including that the 4<sup>th</sup> respondent has not been able to trace the original file. Accepting the said contentions and finding that the Tahsildar has failed to conduct necessary enquiry, the 3<sup>rd</sup> respondent has set aside the order of the 4<sup>th</sup> respondent and remitted the matter to the 4<sup>th</sup> respondent directing to conduct denovo enquiry, after issuing notices to all the concerned and, after verification of the record, pass a reasoned order. The said order remitting the matter to the 4<sup>th</sup> respondent is questioned in this writ petition.

Learned counsel for the petitioner vehemently contended that when the file itself is not traceable by the 4<sup>th</sup> respondent and, having found that the impugned proceedings before the appellate authority were issued by the 4<sup>th</sup> respondent without verification of the record and without following due procedure, the 3<sup>rd</sup> respondent has rightly set aside the order of the 4<sup>th</sup> respondent, but erroneously remitted the matter to the 4<sup>th</sup> respondent, as it serves no purpose.

Learned counsel for the petitioner also submits that when the file itself

is not traceable, the 4<sup>th</sup> respondent cannot conduct enquiry as directed under the remand order.

I am unable to see any legal ground to interdict the order of remand passed by the 3<sup>rd</sup> respondent, inasmuch as the 4<sup>th</sup> respondent has jurisdiction to conduct enquiry and pass a reasoned order and that the order of the 3<sup>rd</sup> respondent clearly directs the 4<sup>th</sup> respondent to pass a reasoned order, after verifying all the records, after issuing notice and after examining the matter afresh, and as such, no prejudice would be caused to the petitioner, as he would have notice of such proceedings and will be heard by the 4<sup>th</sup> respondent before passing any order. Hence, I am not inclined to entertain the writ petition. However, the 4<sup>th</sup> respondent shall ensure that status-quo existing as on today to be maintained till he passes the order, as directed by the 3<sup>rd</sup> respondent.

Accordingly, the writ petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

---

**VILAS V.AFZULPURKAR, J**

Date: 16-09-2015

Note:

Issue C.C. by 22-09-2015

(B/o)

Prv

**HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR**

**W.P.No.30260 of 2015**

**16-09-2015**

**Prv**