

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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Writ Petition No.608 of 2015

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ORDER:

The proceedings No.B/5851/2013-2, dated 29.05.2014, issued by the Tahsildar, Siddipet Mandal, the 3rd respondent herein, in modifying the entries in contravention of the provisions of Andhra Pradesh Rights in Land and Pattadar Passbooks Act, and confining the petitioner's claim only to the extent of Ac.0.07 guntas, is questioned.

The principal contention of the petitioner is to the effect that the predecessor of the 3rd respondent passed Order No.B/5851/2013, dated 28.12.2013, issuing succession patta in his favour, over an extent of Acs.2.04 guntas in survey No.803 of Siddipet Village and Mandal. The grievance of the petitioner is that the order, dated 29.05.2014, was passed without issuing any notice and without giving any opportunity to him, and thereby, it suffers from violation of principles of natural justice, besides the violation of rights of the parties.

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

A perusal of the order impugned reveals that even as per the revenue records, for the period from 2005 to 2011, there were interested parties, in particular respondents 4 and 5, apart from one Chinna Mallaiah, Chinna Kanakaiah, Samanthula Ramulu and Samanthula Mallaiah.

It appears that no notice was issued to the above persons, who are interested, including the petitioner. Therefore, the impugned

order can be set aside on this short ground. However, interests of justice would be served, if the 3rd respondent is directed to issue notices to all the parties concerned and pass appropriate orders, as per their entitlement.

Hence, the writ petition is allowed, at the stage of admission, and the order, dated 29.05.2014, is set aside. The 3rd respondent is directed to issue notices to all the parties concerned and pass appropriate orders, afresh, determining their respective claims. This exercise shall be completed within a period of three months from today. However, the setting aside of the order impugned shall not be construed as conferring any specific rights on the petitioner by virtue of the proceedings dated 28.12.2013, as *prima facie*, there are other claimants who are also entitled to their respective shares. There shall be no order as to costs.

The miscellaneous petitions filed in this writ petition shall also stand disposed of.

CHALLA KODANDA RAM, J.

Date:27.01.2015
GJ