

THE HON' BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No.11679 of 2016

ORDER:

1) Heard learned counsel for the petitioner, learned Government Pleader for Revenue and Sri T.Janardhan Rao, learned counsel appearing for respondent Nos.4 to 7. With consent of all the parties, the Writ Petition is being taken up for hearing at the admission stage itself.

2) The present Writ Petition came to be filed with the following prayer:

“issue an order or direction, more in the nature of Writ of Certiorari, calling for the records, pertaining to the proceedings No.A/ 462/ 2016, dated 19.03.2016, issued by the second respondent, as illegal, arbitrary, contrary to law, principles of natural justice; and consequently set aside the same.”

3) A perusal of the material on record would show that the petitioner filed an application dated 14.09.2015 under Section 4 (1) of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971, stating about his rights acquired by way of succession over the land admeasuring ac.46.35 gts., in Sy.Nos. 116, 117, 149, 151, 152, 282, 280, 292 and 230 situated at Chinna Porla Village, Utkoor Mandal. Pursuant to the said application, a notice was issued on 26.09.2015, calling for objections, if any, from all persons interested in the above said land. In response to the said notice, one Arunamma filed an objection petition on 19.11.2015. After hearing

both the parties, the Tahsildar, while exercising the powers vested under Section 4 and 5 of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971, ordered succession in favour of the petitioner, wife, sons and daughters of deceased Surender Reddy with equal shares and also amended the R.O.R. Form-I. Challenging the same, the un-official respondents preferred an appeal before the Revenue Divisional Officer, Narayanpet. By an order dated 19.03.2016 the Revenue Divisional Officer set aside the order of the Tahsildar and consequently directed the Tahsildar to grant succession in favour of the legal heirs as per rules. The said order is subject matter of challenge in this writ petition.

4) The main ground urged by the learned counsel for the petitioner that the impugned order is bereft of any reasons. Though various grounds are raised, it is urged that the authority has not considered the matter on merits and allowed the appeal without discussing the material on record.

5) On 11.04.2016 while admitting the writ, this Court suspended the impugned order. Counter and vacate stay petition are filed by the un-official respondents but no counter is filed by the Government.

6) Since the order under challenge is bereft of any reasons though number of issues were raised while filing the appeal, the order under challenge is set aside and the matter is remanded back to the Revenue Divisional Officer, Narayanpet, directing him to hear the matter afresh after giving notice to both parties and pass orders in

accordance with law, by giving reasons, as early as possible. Till such time *status quo* as on today shall be maintained with regard to the property which is subject matter of dispute in this writ petition in all respects.

7) With the above direction, the writ petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

20.12.2016
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