

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.24518 of 2007

ORDER:

The grievance precisely in the writ petition is that having issued notices, asking the petitioners to appear for enquiry under the Land Transfer Regulations, the 1st respondent is not accepting the evidence sought to be produced by the petitioners.

2. Heard the learned counsel for the petitioners and the learned Government Pleader for Social Welfare for Respondents 1 and 2 and Sri Gode Satish for Respondent No.3, apart from perusing the material available on record.

3. In the affidavit filed in support of the writ petition, it is stated that on the complaint lodged by 2nd respondent, the 1st respondent-Special Deputy Collector registered the case as Rc.No.A/46/2007 and R.C.No.A/47/2007 and issued notices to the petitioners, calling upon them to attend the enquiry along with relevant record. It is further stated that the said cases were adjourned from time to time and eventually on 5.11.2007, a notice was issued, calling upon the petitioners to appear before the 1st respondent on 8.11.2007. It is stated that on the said date, the petitioners appeared and produced all the relevant documents including Zamindar Patta. It is further alleged that for the reasons best known, the 1st respondent refused to receive the documents and simply adjourned the case without giving any date. It is further averred that the 3rd respondent is an influential person and on his influence, the 1st respondent adjourned the case.

4. Responding to the rule nisi issued by this Court, a counter affidavit is filed by the Special Deputy Collector-1st respondent. In reply to paragraph 3

of the writ affidavit, it is stated that the 3rd respondent filed a complaint under the provisions of A.P. Scheduled Areas Land Transfer Regulation (APSALTR) Act, 1959 as amended by Regulation 1/70 and the then Special Deputy Collector issued notices in Rc.No.46/2007 and 47/2007 under APSALT Rules, 1959 to attend the Court along with connected records. But the counter does not specifically deny the allegations made in paragraph 3 of the writ affidavit as mentioned supra. On the other hand, it is submission of the learned counsel for Respondent No.3 that the enquiry initiated pursuant to the notice in Rc.No.46/2007 was dropped by the respondents. But according to the learned counsel for the petitioners, the enquiry pursuant to notices issued vide Rc.No.A/46/2007 and A/47/2007 is pending. It is submitted by the learned Government Pleader that the enquiry is pending.

5. This Court does not find any justification on the part of the 1st respondent to refuse to receive the documents sought to be filed by the petitioners having issued notices, asking the petitioners to appear for enquiry. Therefore, without going into merits and demerits of the matter, this Court is of the considered opinion that ends of justice would be served if the 1st respondent is directed to receive the documents, which are proposed to be filed by the petitioners by fixing some time. It is also brought to the notice of this Court that assailing the notices issued by the 1st respondent vide proceedings Rc.No.A/46/2007 and Rc.No.A/47/2007 dated 5.11.2007, 3rd respondent filed writ petition before this Court and this Court disposed of the said writ petition, directing the respondents to consider the explanation/objections submitted by the 3rd respondent and pass appropriate orders.

6. For the aforesaid reasons, the writ petition is disposed of, directing the 1st respondent to receive the documents proposed to be filed by the petitioners herein pursuant to the notices issued vide Rc.No.A/46/2007 and

Rc.No.A/47/2007, if the enquiry pursuant to the said notices is pending as on today. The proposed documents shall be filed by the petitioners within a period of two weeks from the date of receipt of this order. On such filing, if the enquiry is pending pursuant to the said notices, the same shall be finalised within a period of six weeks after filing such documents, if any by the petitioners. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 19.10.2016
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