

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.12924 of 2012

ORDER :

This writ petition is filed to declare the action of the 1st respondent in passing order dated 03.03.2012 in File Case No.D1/15/2011 in File No.D1/1595/2011 as arbitrary, illegal and violative of Article 14, 21 & 300-A of Constitution of India.

2. This writ petition is filed stating that the petitioner is the inamdar of lands bearing Sy.Nos.70/1 and 70/2, situated in Mogiligidda village, Farooqnagar Mandal, Mahaboobnagar District and he is in possession of the lands as on the date of notification dated 01.11.1973. Respondent No.4 approached 2nd respondent for grant of Occupancy Right Certificate over the said lands and the 2nd respondent granted the same by order dated 14.03.2005 in File No.K/438/2003. Aggrieved by the order passed by the 2nd respondent, petitioner filed appeal before the 1st respondent and the same was dismissed on 14.05.2007. Aggrieved by the same, petitioner preferred C.R.P.No.2978 of 2007 before this Court, which is pending.

3. While so, the 4th respondent-Srisailam herein made an application before the 3rd respondent seeking mutation based on the Occupancy Right Certificate granted which is under challenge in C.R.P.No.2978 of 2007. The petitioner filed an objection petition before the 3rd respondent. The 3rd respondent after perusing the material papers has cancelled the entries in the ROR in file No.B/874/2008. Aggrieved by the said order, the 4th respondent preferred appeal before the 2nd respondent without making the petitioner as a party. The petitioner filed implead petition in the said appeal and the 2nd respondent without considering the implead petition, passed order on 07.03.2011 in favour of the 4th respondent by setting aside the order passed by the 3rd respondent. Aggrieved by the same, petitioner preferred Revision before the 1st respondent which was dismissed by order dated 03.03.2012. Aggrieved by the order dated 03.03.2012, the present writ petition is filed.

4. Counter is filed by the 4th respondent stating that this Court in C.R.P.No.2978 of 2007 granted interim stay on 26.12.2007 for a limited period and later it was not extended. Thereafter the 4th respondent filed application for mutation of his name basing on the order passed by the 2nd respondent. The 3rd respondent after detailed enquiry had implemented the mutation of his name in R.O.R., vide order dated 08.07.2009 and issued pattedar pass book and title deed. Subsequent to the said proceedings, petitioner approached the 3rd respondent for cancellation of the said entries and issuance of pattedar pass book and title deed in his

favour. The petitioner instead of filing appeal before the 2nd respondent under Section 5 (5) of the Andhra Pradesh Rights in Land and Pattedar Pass Books Act, 1971, approached the 3rd respondent and the 3rd respondent, who is not competent, has set aside his own order on 05.09.2009. Against the same, the appeal before the 2nd respondent was also dismissed vide order dated 07.05.2011 and the Revision preferred against the order dated 07.05.2011 was also dismissed by order dated 03.03.2012.

5. Heard learned counsel for the petitioner and learned counsel for the 4th respondent.

6. Learned counsel for the 4th respondent submits that the petitioner instead of filing appeal against the mutation made in favour of the 4th respondent, approached the 3rd respondent and the 3rd respondent without any authority of law, has set aside his own order dated 08.07.2009. Even the appeal filed by the petitioner was also dismissed on the same ground holding that the 3rd respondent has no power to set aside his own order. Even the revision was also dismissed on the same ground and the C.R.P.Nos.2978 of 2007 & 2793 of 2007 were disposed of and the SLP filed before the Hon'ble Supreme Court was also dismissed. It is also stated that by the time the interim order was granted by this Court, the name of the 4th respondent is already mutated in the revenue records.

7. Admittedly, the 3rd respondent mutated the subject lands in favour of the petitioner and without any appeal the same was set aside by him and the appeal preferred by the petitioner was dismissed on 07.03.2011. For the same reason, the Revision was also dismissed holding the same, and now the rights claimed by the petitioner through C.R.P.Nos.2978 of 2007 & 2793 of 2003 were also dismissed and the said orders have become final, as the Hon'ble Supreme Court has also confirmed the same. The same is not disputed by the learned counsel for the petitioner.

8. Looked from any angle, there are no merits in the writ petition and accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

31st March, 2016
Rds

A. RAJASHEKER REDDY,J