

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.30679 of 2016

ORDER:

Heard Mr. T. Koteshwara Prasad for petitioner and Assistant Government Pleader (Revenue) for respondents 1 to 3.

2. Petitioner challenges the Memo No.D/15276/2016 dated 23.05.2016 as illegal, arbitrary and unconstitutional. The memo reads as follows:

Government of Telangana
Revenue Department
No.D/15276/2016
Office of the
Revenue Divisional Officer
Karimnagar, dt:23.05.2016
M E M O
Sub: - R.O.R – Veenavanka Mandal – Kanaparthi Village – Patta land in Sy.No.12, 13, 14, 14 & 16 to an extent of Ac.4.05 gts – Appeal filed under section 5-B/5(5) of R.O.R – Appeal not allowed – Memo issued- REg.
Ref: Appeal Petition filed by Sri Vondnala Kedari S/o Venkata narayana R/o Kanaparthi village of Veenavaka Manal, dt: 30.10.2015
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It is to inform that you have filed an appeal before the Revenue Divisional Officer, Karimnagar on 30.10.2016 regarding the land in Sy. 12, 13, 14 15, & 16 to an extent of Ac.4.05 gts situated at Kanaparthi Village of Veenavanka Mandal. In that appeal the petitioner has not submitted any evidence (like ROR proceedings, Tahsildar Letter etc) in support of his claim. Hence your appeal is not allowed.
Further, it is inform you that you may approach the Tahsildar, Karimnagar under section 5-A of AP Rights in Land & PPBs Act, 1971.

Sd/-
Revenue Divisional Officer,
Karimnagar

3. With the assistance of counsel appearing for both parties, the effect of memo impugned in the writ petition is appreciated. Briefly stated, the appeal filed by the petitioner is for all purposes rejected on account of alleged deficient compliance by the petitioner.

This Court is of the view that if the petitioner is required to file any document or proceeding along with the appeal, the second respondent ought to have returned the appeal but not go that far and hold that the appeal is not allowed. Such communication neither satisfies the requirement of adjudication nor a decision on administrative lines.

4. The Assistant Government Pleader fairly concedes that the instant memo can be treated as one returning the appeal filed by petitioner and give reasonable time for representation. I am satisfied the writ petition can be disposed of by this order.

5. The memo impugned is treated as one returning the appeal filed by the petitioner. The petitioner is given four (4) weeks time from today to represent the appeal by enclosing copy of this order along with submissions the petitioner intends to take on the objection raised in the memo. If appeal is resubmitted, the second respondent examines the record, objections and passes appropriate orders.

The writ petition is disposed of. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

September 12, 2016
DSK

S. V. BHATT, J