

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.24351 OF 2012

ORDER:

Heard Mr.C.Kumar for petitioners, the Government Pleader for Revenue and Mr.K.Raji Reddy for respondents 2 and 3.

The petitioners challenge the order in File No.B/4722/2002 dated 29.03.2004 of 1st respondent, as illegal, arbitrary and unconstitutional.

The 1st respondent through impugned order has cancelled proceeding No.B/4722/2002 dated 17.03.2004. To appreciate the submissions of counsel for petitioners, this Court finds it convenient to refer to the twin happenings in the matter. Through proceeding dated 17.03.2004, the 1st respondent accepted the alleged claim of petitioners herein and granted succession as follows:

"In view of the above facts, succession of late Murtha Reddy, S/o. Lachi Reddy is hereby granted U/S.40 of AP (T.A.) T & AL Act., 1950 in favour of the following persons (L.Rs) in respect of lands situated at Shamshabad Village shown in the schedule as follows:

Sy.No.	Total Ext.	Name of the persons houses succession ground	Total
736	6.26	1.Salavendri Narsimha Reddy S/o.late Buchi Reddy	3-13
		2.Salevendri Gopal Reddy, S/o.late Buchi Reddy	3-13
		Total	6-26

Sd/-
Mandal Revenue Officer,
Shamshabad Mandal, R.R.Dist."

Respondents 2 and 3 herein filed objection petition before 1st respondent against proceeding dated 17.03.2004 particularly the mode and manner of securing succession by petitioner. The 1st respondent has registered the objection in File No.B/4722/2002 and on 29.03.2004 has passed the following order:

"After careful examine the matter and verified with the records i.e., original P.T. Register, She-Sala Pahani for the year the entries are as follows:

AS PER THE P.T. REGISTER

Sy.No.	Total Ext.	Classification	Name of the Pattedar	Name of the P.T.	Extent
736	6.26	Patta Dry	Mutkuri Raghavulu	Malla Reddy S/o.Lachi Reddy	6.26

AS PER SEH-SALA PAHANI FOR THE YEAR 1955-56

Sy.No.	Total Ext.	Classification	Pattedar	Possessor
736	6.26	Patta Dry	Mutkuri Veeraiah, S/o.Raghavulu	Narayana Reddy S/o. Malla Reddy, Rakshitha Kauldar

In view of the above cited it is clearly show that the Mutta Reddy, S/o.Lachi Reddy is not P.T. for the schedule land and also found that the Lachi Reddy is not father of Mutta Reddy on locally enquiry it is found that Sri Hanumanth Reddy was the father of Mutta Reddy. And also found that in locally enquiry and as well as records Sri Malla Reddy S/o.Lachi Reddy was the P.T. of the schedule land after expired the P.T. is grand son namely Sri Dayanand Reddy/ S/o.late Narayana Reddy and is son namely Malla Reddy S/o.Dayanad Reddy both have purchased the schedule land from the L.Rs of the original Pattedar namely Motkur Ramulu S/o.Laxmaiah, Motukur Nageshwar S/o.Veeraiah, Motkur Narendra S/o.Veeraiah, Motkur Ravender S/o.Veeraiah, Motkur Jagadeeshwar S/o.Veeraiah through Sale Deed No.8001,dt.07.06.1990.

In view of the above cited, I hereby cancelled the orders issued in Pro.No.B/4722/2002, 17.03.2004, and also cancelled certified copy of P.T.Register Extract issued by office dt.02.11.2002 in favour of Petitioners reference 1st cited , is cancelled herewith."

Hence, the writ petition.

This Court at the outset, having regard to the nature of disposal of writ petition, makes it clear that the merits on the entitlement of petitioners for succession and/or the fraudulent manner in which the succession through proceeding dated 17.03.2004 is secured by the petitioners are not considered. Writ prayer is considered with reference to violation of principles of natural justice in issuing proceedings dated 29.03.2004.

The Government Pleader after perusing the record of impugned proceeding fairly states that the 1st

respondent has not put the petitioners on notice before recalling order dated 17.03.2004. On this short ground, the impugned proceeding is set aside. From the proceedings filed herein by the parties, it is evident that in respect of the same matter, a series of petitions are pending and therefore, to have expeditious disposal, it is directed that the 1st respondent takes up the objection petition filed by respondents 2 and 3 afresh, issues notice to petitioners and completes the entire exercise without fail, within a period of six weeks from the date of receipt of copy of this order.

The writ petition is ordered accordingly. No order as to costs

Miscellaneous petitions pending if any shall stand closed.

S.V.BHATT, J

Date:22.08.2016
Note:
Issue C.C. in one week
B/o
Stp