

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.31064 OF 2016

ORDER:

The case of the petitioners is that they were issued notice dated 29.09.2015 vide proceedings in Rc.No.10872/2015/C stating that an appeal is filed under Section 5(5) of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act') against the issuance of the pattadar pass books and title deeds in favour of the respondents for the land in Sy.No.297 part and 299/12 of Lodagalavanipalem Village, Anandapuram and the same is numbered vide Rc.No.10872/2015. The petitioner who is the 1st respondent in the said appeal filed objections stating that the appeal itself is not maintainable and in support of his contentions he relied on the judgment rendered by the Division Bench of this Court reported in 2015 (5) ALT 220 and several other judgments. But without considering the same, the 3rd respondent is trying to dispose of the appeal on merits. Aggrieved by the same, the present writ petition is filed.

Heard both sides.

Since already petitioner filed counter in the appeal stating that the appeal is not maintainable, it is for the 3rd respondent to consider all the objections raised by the petitioner by way of counter, while disposing the appeal.

In view of the same, the 3rd respondent is directed to dispose of the appeal by taking into consideration all the objections raised by the petitioner in the counter, regarding maintainability of the appeal, after issuing notice to the petitioners as well as the respondents 5 and 6.

With the above direction, the writ petition is disposed of. No costs. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

17-09-2016

Note:

CC in 3 days
(B/o) dv



