

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT**

W.P.No.14106 OF 2005

ORDER: *(Per the Hon'ble Sri Justice S.V.Bhatt)*

Heard Mr.R.R.Kalyan, learned counsel for petitioner, learned Government Pleader for Revenue and Mr. Siva, learned counsel for respondent No.5.

The petitioner prays for writ of Certiorari to call for the records leading up to and inclusive of order in Appeal No.L1/54/2002 dated 18.03.2005 passed by the 1st respondent confirming the order of 2nd respondent in Appeal No.94/83(G1) dated 21.11.2001 and quash the order as illegal.

The issue arises under the A.P. Scheduled Areas Ryotwari Settlement Regulation, 1970 (Regulation 2/70). The 1st respondent through the impugned order held as follows:

“Heard the arguments, considered them and perused the records. A perusal of the record shows that the Settlement Officer, Bhadrachalam in Case No.2065/77, dt.22.07.1980 had granted Ryotwari Patta to the Appellant herein in respect of the schedule land covered by R.S.No.114/2 of H.2-00 of Kunavaram Village and Mandal. Against the orders passed by the Settlement Officer, the Respondent No.1 herein filed an Appeal before the Director of Settlements as provided under Section 9(3) of Regulation 2/70, stating that he is a Tribal and that the grantee, Smt.Dalli Kanakamma is a Non-Tribal and that the land originally belongs to the Tribals. After hearing the case on merits, the Special Commissioner & Director of Settlements in his order passed in A.P.No.94/83(G1), dt.21.11.2001 while setting aside the orders passed by the Settlement Officer, Bhadrachalam in S.R.No.2065/77, dt.22.07.1980 granted Ryotwari Patta to the first respondent herein. Against the orders passed by the Special Commissioner & Director of Settlements in A.P.No.94/83 dt.21.11.2001, the present appeal was filed. The counsel for the appellant

had not filed any additional documentary evidence to prove that the appellant Smt.Dalli Kanakamma is entitled for grant of Ryotwari Patta under first proviso to Section 7(1) of Regulation 2/70. In the absence of such additional documentary evidence, I see no reason to interfere with the orders passed by the Special Commissioner & Director of Settlements in A.P.No.94/83 dt.21.11.2001 and thus the appeal is dismissed”.

Hence, the writ petition.

The learned counsel for the petitioner contends that the 1st respondent committed grave illegality by dismissing the appeal, more particularly without recording sufficient reasons on various factual and legal grounds raised by the petitioner in appeal filed against the order of Special Commissioner and Director of Settlements dated 21.11.2001.

The learned Government Pleader concedes that having regard to the nature of controversy which is the subject matter of *suo motu* enquiry entertained by the 3rd respondent and subsequent findings recorded by the 2nd respondent, the order of 1st respondent must reflect independent consideration of issues of fact and law between the parties and though brief but separate findings ought to have been recorded.

Learned counsel for 5th respondent contends that the order of 1st respondent dated 18.03.2005 is one in the nature of confirming the order of 2nd respondent dated 21.11.2001 and a combined reading of both the orders shows that even if the order of 1st respondent is bereft of reasons, still there is no need to interfere with the order under challenge and prays for dismissal of the writ petition.

To the extent required for the disposal of the writ petition, we have perused the material available on record and noted the contentions urged by the learned counsel appearing for the parties. The disposal of the appeal by the 1st respondent does not satisfy the requirements of

adjudication, much less in a case where the social status of the parties is also required to be decided for granting the relief to one or the other party.

On the short ground that the order impugned in the writ petition is bereft of reasons and not a speaking order, we are inclined to set aside the order dated 18.03.2005 and remand the matter to 1st respondent for consideration afresh and disposal in accordance with law. It is needless to observe that the petitioner and the 5th respondent, if so advised, are given liberty to file additional grounds/pleadings in support of their case. The interim order granted on 01.07.2005 in WPMP.No.17917 of 2005 is directed to be maintained till the disposal of the appeal by the 1st respondent.

The writ petition is allowed and the matter is remanded to the 1st respondent for consideration afresh and disposal in accordance with law within a period of six months from the date of receipt of a copy of this order. There shall be no order as to costs.

Consequently, pending miscellaneous petitions, if any, also stand disposed of.

ACJ

DILIP B. BHOSALE,

S.V.BHATT, J

Date: 19.01.2016

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