

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.44201 OF 2016

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing for the respondents 1 to

4. With their consent, the present writ petition is disposed of at the admission stage.

2. Since this Court is not going into the merits of the case, it may not be necessary to issue notice to respondents 5 to 8.

3. The present writ petition came to be filed with the following prayer:

“...to issue any writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the 3rd respondent in not taking any action proceedings vide No.RCB 387 of 2016, dated 18.05.2016, 04.06.2016, without considering the written objections filed by the petitioner before him on 05.09.2016, Atmakur of SPSR Nellore District is illegal and arbitrary and consequently direct the 3rd respondent not to issuing the Revenue Pass Books to the Respondents 5 to 8.”

4. A perusal of the material placed before the Court would show that the notices came to be issued to the petitioner in the months of July, August and September, 2016 to submit his explanation with regard to the objections raised by the unofficial respondents herein for cancelling the pattadar pass books issued in favour of the petitioner. The case of the petitioner is that pursuant to the notices

issued, he submitted an explanation on 05.09.2016, but without considering the same and passing any orders on the said explanation, the respondent authorities are trying to issue pattadar passbooks in favour of the unofficial respondents herein.

5. Though various grounds are raised in the writ petition, learned counsel for the petitioner restricts his prayer seeking a direction to the respondents to consider the explanation/representation, dated 05.09.2016, submitted by the petitioner, at the earliest.

6. Learned Government Pleader for Revenue would submit that if the explanation/representation is pending consideration till today, the respondent authorities may be directed to dispose of the same, at the earliest.

7. Having regard to the submissions made, the Writ Petition is disposed of directing the 3rd respondent - RDO, Atmakuru Revenue Division, Atmakuru, SPSR Nellore District, to pass appropriate orders on the explanation, dated 05.09.2016, submitted by the petitioner to the notices issued with regard to cancellation of pattadar passbooks issued in favour of the petitioner, in accordance with law, as early as possible, preferably within a period of two (02) to four (04) weeks from the date of receipt of a copy of this order. Till such time, the authorities shall not issue pattadar pass books in favour of the third parties. It is needless to mention that the 3rd respondent shall hear

the petitioner and also the unofficial respondents before passing orders.

Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

Date:20.12.2016
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