

THE HONOURABLE SRI JUSTICE A. RAJASHEKER REDDY

W.P.No.22474 of 2012

ORDER

This writ petition is taken up for disposal as per the orders of a Division Bench of this Court in W.A.No.1488 of 2012 dated 05.12.2012 in remanding the matter to this Court for disposal afresh.

2. Heard learned counsel for the petitioner and learned Government Pleader for Revenue.

3. The petitioner filed the present writ petition stating that his father purchased the land admeasuring Acs.3.16 gts in Sy.No.81/39 situated at Kodipunjula vagu H/o.Payakari Yanambile Village, Paloncha Mandal, Khammam District, from its original pattedar under an unregistered sale deed and since then, his father was cultivating the said land continuously without any interruption. While so, the 3rd respondent filed a petition before the 2nd respondent-Tahsildar stating that he is in possession and enjoyment of his land admeasuring Acs.4.32 gts in Sy.No.81/16 of the same village, which was assigned to his grand father-Banoth Hanuma in the year 1991. Thereafter, the 2nd respondent issued a notice to the petitioner and also passed orders on 12.06.2012 ordering eviction. Aggrieved by the same, the petitioner filed an appeal before the 1st respondent-Revenue Divisional Officer on 30.06.2012 along with a stay petition and that since no orders have been passed in the said stay petition and as it was informed by the 1st respondent that no stay will be granted, aggrieved by the same, the petitioner filed the writ petition.

4. On 24.07.2012, while disposing of the said writ petition at the admission stage, this Court suspended the order dated

12.06.2012 passed by the 2nd respondent till the 1st respondent disposes of the appeal. Challenging the same, the 3rd respondent filed W.A.No.1488 of 2012. By order dated 05.12.2012, a Division Bench of this Court while disposing of the said appeal remanded the matter to this Court with a direction to the appellant/3rd respondent in the writ petition to file his counter in the writ petition along with all facts and material and also a direction to this Court to dispose of the matter at the earliest.

5. Today, when the matter is taken up for hearing, none appeared on behalf of the 3rd respondent. Learned counsel for the petitioner says that the appeal filed by him on 30.06.2012 before the 1st respondent against the order dated 12.06.2012 passed by the 2nd respondent may be directed to be disposed of.

6. In view of the above facts and circumstances, the 1st respondent-Revenue Divisional Officer is directed to dispose of the appeal filed by the petitioner against the order dated 12.06.2012 in Rc.No.B/1856/2012 passed by the 2nd respondent, in accordance with law after giving notice and opportunity to the petitioner as well as the 3rd respondent.

7. With the above direction, the Writ Petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

A. RAJASHEKER REDDY, J.

19th February, 2016

sj