

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.35020 OF 2016

ORDER:

This Writ Petition is filed by the petitioners under Article 226 of the Constitution of India seeking to declare the proceedings in Rc.No.4558/06/C dated 13.07.2009 passed by R-4 as confirmed by R-3 vide proceedings in D.Dis.No.3084/2009/D2 in R.P.No.8/2009 dated 03.10.2016 as illegal and arbitrary and consequently to direct the respondents to issue pattadar pass books and title deeds to the petitioners duly carrying out entries in revenue records in respect of lands to an extent of Acs.10-00 cents in survey Nos.386/1 and 387/1 of Kapulupada Village, Bheemunipatnam Mandal, Visakhapatnam District.

Heard the learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue (AP) for respondents 1 to 5. With their consent, the writ petition is disposed of at the stage of admission itself.

Though various grounds are raised in the writ petition, the learned counsel for the petitioners would submit that the impugned order came to be passed without giving an opportunity of hearing to the petitioners. The learned AGP on instructions opposed the petition stating that till 18.06.2011 number of opportunities were given but later on the petitioners were not heard.

A perusal of the order under challenge would show that before the Revision Authority-cum-Joint Collector, the case underwent several adjournments from 03.07.2010, 31.07.2010, 30.05.2011, 18.06.2011 and hearings were also conducted on

31.07.2010, 18.06.2011. Thereafter, on 18.06.2011, the Revision Authority directed the Tahasildar to submit a survey report. Five years thereafter, the Tahasildar submitted a survey report vide Rc.No.472/2003/A dated 16.09.2016. Without giving any opportunity to the petitioners to advance their arguments in response to the said survey report, the impugned order came to be passed on 03.10.2016. From the record, it is clear that no opportunity was given to the petitioners to advance their arguments with regard to survey report, which was called for on 18.06.2011 and submitted on 16.09.2016.

That being the position, the order under challenge is set aside and the matter is remanded back to the Revision Authority-cum-Joint Collector to hear the matter afresh after giving notice to the petitioners and aggrieved persons, if any, and dispose of the same by passing fresh orders, in accordance with law, as early as possible, preferably within a period of ten weeks from the date of receipt of a copy of this Order. Till then, *status quo* as on today shall be maintained in respect of lands to an extent of Acs.10-00 cents in survey Nos.386/1 and 387/1 of Kapulupada Village, Bheemunipatnam Mandal, Visakhapatnam District.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions pending in this writ petition, if any, shall stand closed. There shall be no order as to costs.

C. PRAVEEN KUMAR, J

Date: 24.10.2016
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