

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 25033 of 2011

ORDER:

-

Heard learned counsel for the petitioners and Government Pleader for Revenue. With the consent of both the parties, the main writ petition itself is heard at the admission stage.

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the proceedings issued by the first respondent in D.Dis.No.2762/210, dated Nil.11.2010, as arbitrary, illegal and violative of principles of natural justice.

A perusal of the material on record would show that vide proceedings in Rc.B.233/2004, dated 13.11.2008, the second respondent while holding that the original assignee has violated condition No.2 of D-form patta, confirmed the orders of resumption of land admeasuring Ac.4.75 cents situated in Survey No.527/3 of Vinjamur Village, Nellore District, on par with other lands. Aggrieved by the said order, the petitioners preferred an appeal before the second respondent, who, by his order passed in the month of November, 2010 returned the said appeal. Challenging the same the present writ petition is filed.

The grounds on which the appeal was returned are that the petitioner has not preferred the appeal within 30 days from the date of order and that the appeal is not accompanied by a certified copy of the order.

The material on record clearly discloses that though the second respondent passed an order on 13.01.2008, a copy of the

same was furnished to the petitioners' counsel on 30.06.2010. The service of copy of the order on the counsel for the petitioner is endorsed on the order passed by the second respondent itself and a copy of the order was said to have been served on the counsel in a contempt case filed before this Court. Immediately after receipt of the order, the petitioners herein preferred an appeal in the month of July, 2010. Therefore, it cannot be said that there was any delay in filing the appeal. Insofar as non-furnishing of the certified copy of the order along with the appeal is concerned, learned counsel for the petitioner submits that he has filed a Xerox copy of the order and he is ready to furnish the same.

Having regard to the circumstances referred above, the order under challenge is set-aside and the third respondent is directed to dispose of the appeal on merits as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of the order.

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

JUSTICE C. PRAVEEN KUMAR

06.01.2016
gkv