

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.23353 of 2016

ORDER:

This Writ Petition is filed for the following relief:

“... declaring the action of the respondent No.2 in directly entertaining the Appeal in Appeal No.C/1068/2016 filed by the respondent No.4 on 04.03.2016 against the orders of the respondent No.3 Vide B/838/2013 dated 17.04.2013 without considering the inordinate delay of two years ten months in filing said Appeal and issuance of notice to petitioner in the said Appeal as illegal, arbitrary and even against to the principles of natural justice and direct the respondent No.2 to terminate all the proceedings in Appeal No.C/1068/2016 pending before him.”

2. The case of the petitioner is that she purchased land to an extent of Ac.0-20 cents in survey No.25/A1 of Pargi Village and Mandal, Ranga Reddy District, from respondent No.4 herein on 19.08.2008. Since the date of purchase, she is in possession and enjoyment of the same and she submitted an application under Section 5 of the Andhra Pradesh Rights in Land and Pattadar Passbooks Act, 1971 (for short, 'the Act') before the respondent No.3 seeking mutation of her name in the revenue records. Thereupon, respondent No.3 has conducted an enquiry and issued notice by way of Form-VIII to all concerned including respondent No.4. As no objections or claims have been raised from anybody in pursuance of said notice within the stipulated period of 30 days of notice, respondent No.3 has passed order on 17.04.2013 mutating the name of the petitioner in the revenue records in respect of the subject land.

While things stood thus, the petitioner received notice on 15.03.2016 from respondent No.2 calling upon her to appear before him on the appeal filed by respondent No.4 against the order, dated 17.04.2013 passed by respondent No.3. The petitioner also received notice in the said appeal. Respondent No.2 without considering the fact that the appeal against the order, dated 17.04.2013, passed by respondent No.3, shall be filed within a

period of sixty days from the date of that order as per section 5 (5) of the Act and there is a delay of nearly two years and ten months in filing the appeal by respondent No.4 and he has not filed any petition for condonation of 1042 days delay along with the said appeal.

3. Learned counsel for the petitioner submits that the appeal filed by respondent No.4 is barred by limitation and that respondent No.4, having sold land to the petitioner, cannot file appeal and that he is also party to the mutation proceedings.

4. In view of the facts and circumstances of the case, I am not inclined to entertain the writ petition, however, the petitioner can as well file objections with regard to limitation aspect before respondent No.2 and thereafter, respondent No.2 shall dispose of the appeal filed by respondent No.4, after considering the objections filed by the petitioner, in accordance with law, within a period of six (06) weeks from the date of receipt of a copy of this order.

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

A.RAJASHEKER REDDY, J

JULY 21, 2016

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Date: 21.07.2016

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