

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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WRIT PETITION No.4364 OF 2016
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ORDER:

Heard the learned counsel for the petitioner, learned Government Pleader for Revenue. With consent of both the counsel, the present writ petition is disposed of at the admission stage.

2. The present Writ Petition came to be filed seeking issuance of writ of *mandamus* declaring the action of the 2nd respondent in entertaining the Revision Petition in Rc.No.5919 of 2015-D5 of respondents 3 to 5 without filing delay petition and asking the petitioner to appear before him in the time barred revision vide Notice dated 30.01.2016 as illegal and arbitrary, and consequently to direct the 2nd respondent to reject the above revision petition as time barred.

3. A perusal of the material on record discloses that an order came to be passed by this Court in W.P.No.10865 of 2015 dated 17.04.2015 directing the Tahsildar to complete the enquiry within a period of four (04) months from the date of said order. Pursuant to the order of this Court, Revenue Divisional Officer, Guntur (RDO) completed the enquiry and passed an order vide R.C.No.3623/2015-A, dated 07.11.2015. Aggrieved by the order of the RDO, the unofficial respondents herein preferred an appeal before the 2nd respondent-Joint Collector, Guntur and the same pending consideration.

4. Learned counsel for the petitioner mainly contends that the Joint Collector ought not to have entertained the said revision as it

was filed with an inordinate delay and that the order of the RDO in directing the petitioner to appear before him on 12.02.2016 is illegal and bad.

5. The issue as to whether there is any delay in filing the revision and as to the whether really there is any time limit prescribed for filing of the revision before the Joint Collector, are matters which the petitioner has to raise before the said authority after entering appearance. This Court under Article 226 of the Constitution of India cannot go into these aspects as the revision is already pending before the Joint Collector.

6. In view of the above, there are no merits in the writ petition and hence the Writ Petition is dismissed, leaving it open to the petitioner to appear before the Joint Collector, Guntur and raise all the objections, in which event the same shall be dealt with in accordance with law.

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

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JUSTICE C. PRAVEEN KUMAR

Date:11.02.2016

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