

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.9957 of 2010

ORDER :

This writ petition is filed seeking *Mandamus*, declaring the action of the 1st respondent in entertaining suo motu appeal bearing Case No.C/379/2010 and in passing interim orders dated 26.02.2010, as illegal and arbitrary.

2. While admitting the writ petition, this Court, by order dated 28.04.2010 in WPMP.No.12804 of 2010, granted interim stay, as prayed for.

3. The learned Assistant Government Pleader for Revenue has brought to the notice of this Court that by virtue of the amendment made by A.P. Act 20 of 2011, which came into force w.e.f., 24.01.2012, sub-section (2) was introduced to Section 5-B of the A.P. Rights in Land and Pattadar Pass Books Act, 1971 (for brevity "the Act"), which reads as follows:

"5B. Appeal:- (1) An Appeal shall lie against an order passed by the Tahsildar under sub-section (4) of Section 5-A, to the Revenue Divisional Officer, within thirty days of the date of communication of the order and the Revenue Divisional Officer shall, after due enquiry pass such order on the appeal as he deems fit.

(2) The Revenue Divisional Officer may suo motu call for record of a case or proceedings from the Recording Authority and inspect it in order to satisfy himself that the order or decision passed or the proceedings taken is regular, legal and proper and make suitable order in that behalf:

Provided that no order or decision affecting the rights of the parties shall be made unless the concerned parties

are given a notice and hearing and such order, shall, subject to revision under Section 9, be final.”

4. Though, learned counsel for the petitioners raised several factual issues, including the issue of locus-standi of respondent Nos.3 and 4 in filing appeal before the 1st respondent, by virtue of the aforesaid amendment, the 1st respondent suo motu has got power to entertain the appeal filed by respondent Nos.3 and 4.

5. In view of the same, the 1st respondent is directed to conclude the enquiry in the suo motu appeal bearing Case No.C/379/2010 filed by respondent Nos.3 and 4 and dispose of the same by duly considering the contentions of both the petitioners as well as respondent Nos.3 and 4, including the issue of locus standi. Till disposal of the appeal, interim order granted by this Court on 28.04.2010 shall continue to operate.

6. Subject to the above directions, this writ petition is disposed of. No order as to costs.

7. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

A. RAJASHEKER REDDY, J

14.11.2016.
Msr

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