

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION Nos.13500, 13504, 13896, 13934 and 13995 of 2010

COMMON ORDER:

Since the issues in this batch of writ petitions, for consideration, are same this Court deems it appropriate to dispose of these writ petitions by way of common order.

In all these writ petitions, the challenge is to the order passed by the 1st respondent – the Chief Commissioner of Land Administration in CCLA's Proceedings No.L1/292/2008 to L1/296/2008, dated 11-01-2010.

Heard and perused the material available before this Court.

By way of orders dated 20-05-1979, the claim of the un-official respondents herein for grant of pattas under Regulation 2 of 1970 was rejected by the Settlement Officer, Bhadrachalam. Aggrieved by the said orders the un-official respondents herein preferred appeals before the Director of Settlements – 2nd respondent herein and the Director of Settlements, by way of common order in A.P.Nos.562 to 566 of 1979, dated 01-12-1982 allowed the appeals, setting aside the orders passed by the Settlement Officer.

Challenging the validity of the said common order the petitioners herein filed further appeals before the Chief Commissioner of Land Administration – 1st respondent herein

and along with the said appeals the petitioners herein also filed applications for condonation of delay of twenty six (26) years.

The petitioners herein stated before the 1st respondent that they were third parties and were not aware of the proceedings before the lower authorities. The 1st respondent, by way of common order vide CCLA's Proceedings No.L1/292/2008 to L1/296/2008, dated 11-01-2010 dismissed the said appeals. The validity and the legal sustainability of the said common order passed by the 1st respondent is under challenge in the present writ petitions.

It is contended by learned counsel for the petitioners that the order under challenge is highly illegal, arbitrary and violative of Article 14 of Constitution of India and opposed to the very spirit and object of the provisions of Regulations 2 of 1970. It is further contended that the 1st respondent – the Chief Commissioner of Land Administration did not assign any reasons much less valid reasons for rejecting the appeals filed by the petitioners.

On the contrary, it is vehemently contended by learned Government Pleader for Social Welfare, appearing for the respondents, that there is no illegality nor there exists any procedural infirmity in the impugned action and in absence of the same the orders impugned are not amenable for any

correction by this Court under Article 226 of Constitution of India.

The information available before this Court manifestly discloses that as against the orders passed by the Director of Settlements in A.P.Nos.562 to 566 of 1979, the petitioners herein preferred appeals before the 1st respondent – the Chief Commissioner of Land Administration and the 1st respondent rejected the said appeals filed by the petitioners.

A perusal of the order under challenge clearly discloses that the petitioners herein filed applications for condonation of delay also along with the appeals pleading *inter alia* that being the third parties to the proceedings before the lower authorities they were not aware of the proceedings.

In the impugned order except stating that the appellants/petitioners herein did not properly explain the reasons for the delay of 26 years and such delay cannot be condoned, the 1st respondent – the Chief Commissioner of Land Administration did not undertake any exercise to consider the veracity of the said statements as to whether the petitioners herein had knowledge of the orders passed by the lower authorities earlier.

It is settled and well established proposition of law that the orders of quasi judicial authorities must necessarily be supported by valid reasons. In the instant case, in the

considered opinion of this Court the same is conspicuously absent. Therefore, this Court, having regard to the involvement of substantial rights of the parties, deems it appropriate to allow the present Writ Petitions by setting aside the common order under challenge and by remanding the matters to the 1st respondent.

For the aforesaid reasons, the Writ Petitions are allowed, setting aside the common order passed by the 1st respondent – the Chief Commissioner of Land Administration in CCLA's Proceedings No.L1/292/2008 to L1/296/2008, dated 11-01-2010 and the matters are remanded to the 1st respondent for fresh consideration for passing orders afresh, in accordance with law, after giving notice and opportunity of being heard to all the stake-holders.

Miscellaneous Petitions pending, if any, shall stand closed. There shall be no order as to costs.

A.V. SESA SAI, J

November 01, 2016

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