

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.45022 OF 2016

ORDER:

The present writ petition is filed by the petitioner seeking to declare the report, dated 08.10.2016, submitted by the 3rd respondent to the 4th respondent, as illegal and arbitrary, and consequently, set aside the same by calling fresh report from the 3rd respondent.

Heard and perused the material available on record.

The case in brief is that the petitioner succeeded before the competent authority in establishing his possession and right over the subject property. Against the same, one Paladugu Lakshmana Rao and another preferred an appeal before the 4th respondent. Pending disposal of the appeal, the 4th respondent called a report from the 3rd respondent regarding the facts and circumstances of the case, for deciding the appeal by the 4th respondent.

The grievance of the petitioner is that the 3rd respondent while enquiring into the matter, has exhausted his jurisdiction, and submitted the report impugned, deciding the ownership and also about the persons those who are in possession of the subject property. According to the petitioner, the said observation in the report submitted by the 3rd respondent to the 4th respondent, is without jurisdiction.

Considering the circumstances of the case and also the grievance of the petitioner, this Court is inclined to pass the following order:

The 4th respondent is directed to consider whether the 3rd respondent has any jurisdiction to decide the issue in the report submitted by him, which was not called for by the 4th respondent, while

deciding the appeal preferred by Paladugu Lakshmana Rao and another,
and to pass appropriate orders in accordance with law.

Accordingly, the Writ Petition is disposed of. No order as to costs.
Consequently, miscellaneous petitions pending, if any, shall stand
closed.

RAJA ELANGO, J

December 23, 2016.
KTL



