

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 26868 of 2017

Date :22.8.2017

Between :

N Parameshwara Reddy S/o Sivasankar Reddy
R/o Thalupur village, Atmakur mandal
Anantapur district

Petitioner

And

The State of AP
Rep by its Principal Secretary
Revenue Department, Secretariat
Guntur and others

Respondents

The Court made the following:



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ORAL ORDER:

Heard learned counsel for petitioner and Sri Achutananda counsel appearing for respondents 5 to 8.

2. In this writ petition, petitioner challenges the order of the Joint Collector in refusing to grant stay of operation of the order of Revenue Divisional Officer dated 21.6.2017 pending consideration of the revision preferred by the petitioner against the said decision.

3. When the matter is taken up for consideration, both counsel agreed for disposal of the writ petition with a direction to the Joint Collector to dispose of the revision petition expeditiously. Learned Government Pleader also agrees for disposal of the writ petition with a direction to the Joint Collector for early disposal of the revision pending before him, but requested to grant two months time for consideration of the revision and passing orders.

4. Having regard to above submissions, the Court is not recording the details of the issue concerning the writ petition. Suffice to note that the assignment earlier granted to respondents 5 to 8 was cancelled and thereon the appeal preferred by the respondents was also dismissed in the year 2003. After cancellation of the assignment in the said manner as affirmed by the Commissioner of Land Administration in the year 2005, assignment was granted in favour of the petitioner. Initially W.P. No. 26710 of 2012 was filed by respondents 5 to 8 challenging said assignment and the same was dismissed. Respondents 5 to 8 preferred appeal to the Revenue Divisional Officer challenging the assignment granted in favour of petitioner. By order dated 21.6.2017 the Revenue Divisional Officer cancelled the D-form patta granted in favour of the petitioner. Aggrieved thereby, petitioner preferred Revision before the Joint Collector, which is pending consideration.

5. Issue whether the Revenue Divisional Officer is competent to cancel the assignment order at the instance of respondents 5 to 8 based on their claim that even before the possession is not taken from the respondents no such assignment can be granted and whether assignment can be granted to third party after cancellation of assignment of respondents 5 to 8 are matters which require consideration by the Joint Collector and since revision is pending, this Court is not inclined to express any opinion at this stage,.

6. Having regard to the facts noted above, the Court is inclined to maintain the interim order granted on 11.8.2017 for a period of nine weeks from today or till disposal of the revision whichever is earlier. The Joint Collector is directed to dispose of the revision as expeditiously as possible, preferably within a period of six weeks from the date of receipt of copy of this order, by affording due opportunity to parties in the revision.

7. Subject to above direction, writ petition is disposed of. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

DATE:22.8.2017
TVK

P NAVEEN RAO,J

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