

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.16505 OF 2017

ORDER:

This writ petition is filed declaring the order passed by the 3rd respondent vide Case No.D.Dis.No.(ES)/4957/2015, dated 16.02.2017 as illegal and arbitrary.

It is the case of the petitioners that they have filed an appeal against the proceedings in Case No. D.Dis(ES)/4957/2015, dated 16.02.2017 before the 6th respondent and same was returned on 07.04.2017 stating that there is no provision to file Appeal/Revision petition before the CCLA, Commissioner (Appeals) under the A.P.Right in Lands & Pattadar Pass Books Act, 1971. Now, the present writ petition is filed challenging the proceedings dated 16.02.2017.

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Revenue.

Learned counsel for the petitioners submit that by way of impugned proceedings dated 16.02.2017 pattas granted in favour of petitioners were cancelled and there is only consequential direction to cancel pattadar pass books and title deeds, would go to show that appeal lies against the proceedings of the 3rd respondent dated 16.02.2017 before the 6th respondent.

Learned Assistant Government Pleader for Revenue submits that the petitioners are not residing in the subject village and they are not in possession of the subject land and

that the revenue authorities have rightly cancelled the pattadar pass books and title deeds, as they are ineligible for granting of pattas and that no interference is called for.

In view of above rival contentions, it is to be seen that the appeal is filed before the 6th respondent against the proceedings of the 3rd respondent dated 16.02.2017, wherein and whereby, the 3rd respondent cancelled the pattas granted and also directed for canceling the pattadar pass books and title deeds granted in favour of the petitioners, when that is so, appeal is maintainable against said orders before the 6th respondent. Therefore, the contention of the learned Assistant Government Pleader for revenue that appeal is not maintainable before the 6th respondent is not correct.

In view of above facts and circumstances, since the petitioners have alternate remedy of appeal against the impugned proceedings dated 16.02.2017 before the 6th respondent, without expressing any opinion on merits of the case, the proceedings of the 6th respondent dated 07.04.2017 is set aside. It is open for the petitioners to present the appeal before the 6th respondent within a period of two weeks from today and on such appeal, the 6th respondent is directed to dispose of the appeal along with stay petition, in accordance with law, within a period of three months thereafter. Till then, *status quo* obtaining as on today regarding possession of the subject property shall be maintained.

With the above direction, this writ petition is disposed of. There shall be no order as to costs. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand dismissed.

A.RAJASHEKER REDDY,J

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