

THE HON'BLE SRI JUSTICE S.V.BHAH TT

WRIT PETITION No.17348 of 2010

ORDER:

Heard Sri M.V.S.Suresh Kumar, learned Senior Counsel for petitioners, the Assistant Government Pleader for Revenue and Sri M.Damodar Reddy for respondent Nos.4 and 5.

The issue arises under the Andhra Pradesh (T.A.) Abolition of Inams Act, 1955 (for short 'the Act'). The petitioners challenge orders of respondents 1 and 2 in Case Nos.F2/20/2010 dated 07.05.2010 and K/4746/2007 dated 01-03-2008 in the instant writ petition. Respondents 4 and 5 claim to be the purchasers from the 3rd respondent and respondents 6 to 9 claim to be the legal representatives of the 3rd respondent.

The counsel appearing for contesting parties have confined the submissions to the legality or otherwise of procedure followed by 2nd respondent while disposing of Case No.K/4746/2007. The challenge of petitioners is that the 2nd respondent did not give opportunity to them in the enquiry conducted under the Act, but granted ORC in favour of 3rd respondent. The further objection is that when insufficiency or denial of opportunity was canvassed before the 2nd respondent, the 2nd respondent stepped into the shoes of the

1st respondent and the 1st respondent while accepting the inadequacy or denial of opportunity by 2nd respondent, however, overruled the objection, by recording the following finding.

“The main contention of the appellants herein is that RDO has not provided any opportunity to represent the case. Without serving notices RDO has passed the orders. Upon perusing the lower court records, it is clear that RDO has not provided reasonable opportunity to represent the case. But this Court has provided ample opportunity to prove his case. The available material on record goes to show that respondent's father and his successors are in possession of the suit lands and wrong entries in the revenue records are rectified accordingly.”

The counsel consent to setting aside the orders impugned in the writ petition and remit the matter to the 2nd respondent for consideration and disposal in accordance with the Act.

The statement is placed on record.

Consideration of other objections incidentally raised by the parties may invite a debate that this Court has expressed a view in this behalf and is binding on the authorities, hence these objections are not adverted to but by placing on record the statement of counsel, the impugned orders are set aside. Case No.K/4746/07 is restored to file. Respondent Nos.4 to 9

are given liberty to file an implead petition seeking their impleadment in pending case by enclosing a copy of this order within four weeks from the date of receipt of a copy of this order. Thereafter, the 2nd respondent issues notices to the petitioners herein and disposes of the case within three months thereafter.

The writ petition is ordered accordingly. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

Date:10-08-2017
Prv



S. V. BHATT, J

THE HON'BLE SRI JUSTICE S.V.BHATT



WRIT PETITION No.17348 of 2010

10-08-2017

Prv

