

THE HON'BLE SRI JUSTICE S. V. BHATT

WRIT PETITION No. 13176 of 2017

ORDER:

Heard Mr.C.Naresh Reddy for petitioner and the Assistant Government Pleader (Revenue) for Respondents.

2. The petitioner challenges the order of 2nd Respondent dated 10.01.2017 in File No.D2/ 421/ 2016 confirming the order of 3rd Respondent dated 20.05.2015. One of the grievances of petitioner is that the order of 2nd Respondent is too brief and the impugned order being brief the grounds urged by the petitioner are not adverted to by 2nd Respondent. Therefore, it is contended the petitioner has suffered prejudice.

3. A reading of the order, no doubt, persuades one to express agreement with the contention raised by the petitioner. However, what is required to be noted in the instant case is that the petitioner challenges the order of 3rd Respondent dated 20.05.2015, which has remanded the matter to 4th Respondent for enquiry afresh into the issue of pattedar pass books and the nature of land. The operative portion of order of 3rd respondent reads thus:

"In view of the above facts, the mutation made by the Tahasildar in favour of Respondent No.1 vide proceedings No.D/ 771/ 2004, dt. 17.11.2004 is set aside and consequently the entries made in the records, PPB/ TDs issued in her favour shall stand cancelled.

The case is remanded to the Tahsildar, Makloor for detailed verification of records from 1964-65 onwards, initiate action against the concerned U/s.4 of A.P.Assigned Land (POT) Act, 1977 and pass appropriate orders within a period of three months from the date of this order.”

4. I have perused the order of 4th Respondent. *Prima facie*, I am satisfied that the 4th Respondent has taken note of all circumstances in this behalf for remanding the issue to 4th Respondent for consideration afresh. As the order of 2nd Respondent is one confirming the order of 3rd Respondent, the fact that reasons are not assigned need not be considered or gone into by this Court at this stage.

5. The other contention urged by the learned counsel is that when the enquiry is directed to be carried out by 4th Respondent, pending such enquiry disturbing the entries in 1-B register or canceling those entries would prejudicially affect the enquiry carried out by 4th Respondent and the contention of the petitioner.

6. Having regard to the above submissions, I am satisfied the writ petition can be disposed of by this order:

(i) The 4th Respondent pursuant to remand is directed to afford opportunity to the petitioner as well as the 5th Respondent; examine the revenue records from 1963-64 onwards; and pass final orders within four months from the date of receipt of this order, in accordance with law.

(ii) The petitioner, 5th Respondent and 4th respondents are directed to maintain status quo as regards entries in 1-B Register for a period of four months from today.

7. The writ petition is disposed of accordingly. As a sequel, the miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

S. V. BHATT, J

April 17, 2017
Kv



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