

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION NO.14109 OF 2004

ORDER:

This writ petition is filed for issuance of a Writ of Certiorari calling for the records relating to the order of the third respondent in SR.No.24/11(a)/88 and 26/11(a)/88, dated 22.01.1998, rejecting the claim of the petitioners for grant of Ryotwari pattas, which was affirmed by the order of the second respondent in Ref.No.D.Dis.H1/2836/99, dated 12.12.2002, and was further affirmed by the order of the first respondent in P3/335/2003, dated 18.10.2003.

2. It is the case of the petitioners that they have been in possession and enjoyment of the lands admeasuring Ac.1-30 cents in Sy.No.103/6, Ac.1-80 cents in Sy.No.128/1, Ac.1-50 cents in Sy.No.120/1, Ac.0-50 cents in Sy.No.103/2, Ac.0-52 cents in Sy.No.103/3, Ac.0-62 cents in Sy.No.103/4 and Ac.0-64 cents in Sy.No.103/5, totally admeasuring Ac.6-88 cents, situated at Kothapalem Village, Renigunta Mandal, Chittoor District. After the A.P. (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act, 1948 (for short, the Act), the petitioners submitted their applications for grant of Ryotwari pattas under Section 11(a) of the Act before the Settlement Officer, Nellore with an application to condone the delay. After condonation of delay by the Settlement Officer, Nellore, the case was transferred to the third respondent. The third respondent dismissed the claim of the petitioners, by order dated 22.01.1998, holding that the evidence produced by the

petitioners is not sufficient. Aggrieved by the same, the petitioners preferred a revision before the second respondent, under Section 5(2) of the Act, who dismissed the same by an order dated 12.12.2002, holding that the revision is time barred. Challenging the same, the petitioners filed another revision, under Section 7(d) of the Act, before the first respondent, who by his order dated 18.10.2003, dismissed the revision at the admission stage on the ground of delay. Challenging the same, the petitioners filed the present writ petition.

3. During the pendency of this writ petition, respondent Nos.5 to 7 were impleaded, as per the order of this Court dated 11.10.2012 in WPMP.No.25730 of 2012.

4. Heard.

5. Having regard to the rival claims between the petitioners and respondent Nos.5 to 7 over the subject lands, this Court is of the opinion that rejecting the legitimate claim of the petitioners on the ground of delay may not be proper. In view of the seriousness of the issue, the respondents should have gone into the ground root level and passed a speaking order instead of dismissing the revisions on the ground of delay.

6. Hence, the impugned order of the first respondent dated 18.10.2003 is set aside and the matter is remanded to the first respondent for deciding the same on merits, in accordance with law, after affording due opportunity to all the stakeholders.

7. Accordingly, the writ petition is allowed. No costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

T.AMARNATH GOUD, J

Date: 20-12-2017
TJMR

