

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Writ Appeal No.325 of 2017

Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the learned Single Judge in W.P. No. 2614 of 2017 dated 27.1.2017.

In the order under appeal, the learned Single Judge has, following the judgment of a Division Bench of this Court in **District Collector vs. M. Sadasiva Reddy**¹, set aside the orders impugned in the writ petition; and has remitted the matter back to the appellants-respondents to reconsider afresh registration of the documents submitted by the respondents-writ petitioners, in the light of the decision of this Court in **M. Sadasiva Reddy**¹, within a period of four weeks from the date of receipt of a copy of the order.

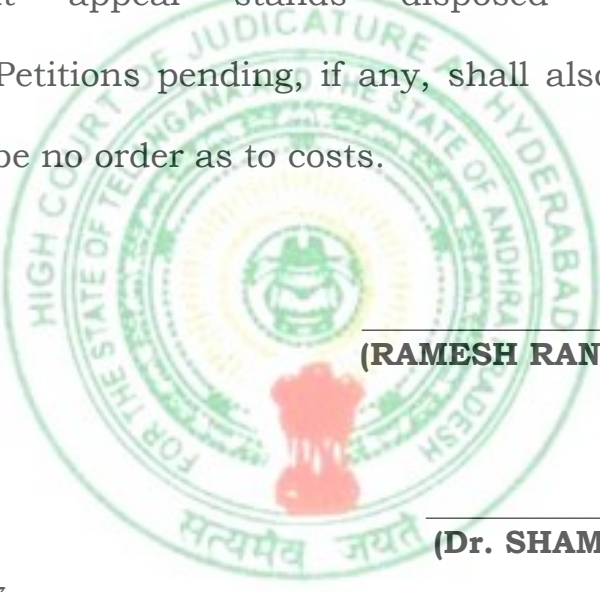
The submission of the learned Government Pleader for Revenue is that the said writ petition was disposed of at the stage of admission without the appellants-respondents being given an opportunity of filing their counter affidavit; and the learned Single Judge, while following the judgment in **Sadasiva Reddy**¹, did not take note of several directions issued thereunder.

While the submission of the learned Government Pleader for Revenue, that the various directions issued in **Sadasiva Reddy**¹ were not considered by the learned Single Judge, cannot be said to be without merit, it is unnecessary for us to dwell on this aspect as the order under appeal, which has resulted in the writ petition itself being allowed at the stage of admission, was passed without the appellants-respondents being given the opportunity to file their

¹ 2016(2) ALT 160 (DB)

counter affidavit. It is not as if, deferring grant of relief by a couple of weeks, to enable the respondents to file their counter-affidavit, would have caused irreparable injury to the petitioner. We consider it appropriate therefore, to set aside the order under appeal, and restore the writ petition to file. The appellants-respondents shall file their counter affidavits in the writ petition within two weeks from today. It is open to Sri P. Roy Reddy, learned counsel for the respondents-writ petitioners, to request the learned Single Judge to take up the writ petition for admission, and grant of interlocutory relief, any day after two weeks.

The writ appeal stands disposed of accordingly. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.



(RAMESH RANGANATHAN, ACJ)

(Dr. SHAMEEM AKTHER, J)

21st March, 2017

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Date: 21.3.2017

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