

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION NO.8053 OF 2004

ORDER:

This writ petition is filed to declare the proceedings No.P2/726/91, dated 13-02-2003 of the 1st respondent as arbitrary, illegal and in violation of principles of natural justice, consequently direct the first respondent to reconsider the revision filed by the petitioners on merits in accordance with law.

2. It is the case of the first petitioner that his father-in-law and others approached the third respondent for granting patta to an extent of Ac.75.00 in O.S.No.399/P in R.S.No.514/P of Musunuru Estate lands under Estate Abolition Act contending that their names were entered in Amarakam Accounts of the village. The third respondent by order dated 31-8-1974 dismissed their applications. Aggrieved thereby, the husband of the first petitioner filed R.P.No.210 of 1974 before the second respondent and by order dated 8-4-1976 the second respondent remanded the matter to the third respondent for reconsideration. The third respondent by proceedings dated 17-8-1981 held that the husband of the first petitioner is entitled for ryotwari patta for the schedule lands under Section 11(a) of the Estate Abolition Act. Aggrieved thereby, rival claimants respondents 4, 5 and 6 filed R.P.No.10 of 1982 in R.P.No.199 of 1983 before the second respondent and by order dated 24-09-1990 the second respondent passed orders canceling pattas granted by the third respondent and allowed the revision without hearing the petitioners. The husband of the first petitioner and his brothers filed a revision before the first respondent in the

year 1991 and the same was dismissed by order dated 13-02-2003 without giving opportunity to the petitioners and without hearing them.

3. The 4th respondent filed counter affidavit, denying the allegations in the affidavit filed by the first petitioner.

4. Heard.

5. In view of the violation of principles of natural justice and in view of the title and interest being involved in the subject land by the petitioners and also respondents claiming interest over the subject land, the writ petition is disposed of directing the respondents to give an opportunity to all concerned parties and pass appropriate orders. The impugned order in CCLA's Reference No.P2/726/91, dated 13-02-2003 passed by the first respondent is set aside. Both the parties shall approach the first respondent with appropriate application within a period of four weeks from today and thereafter, the first respondent shall pass appropriate orders within three months. No order as to costs. As a sequel, the miscellaneous petitions, pending if any, shall stand closed.

T.AMARNATH GOUD, J

Date: 22-12-2017.
Shr