

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.31401 OF 2013

ORDER

The petitioner on 08.01.2010 applied to 3rd respondent for transfer of registry in his favour. The subject matter of the writ petition covers an extent of Ac.0-81 cents in Sy.No.2 of Tirupati Village, Tirupati Urban Mandal, Chittoor District.

The 3rd respondent received the report of Mandal Revenue Inspector and through proceedings Roc.A/200/2010 dated 28.01.2010 has accepted the request of petitioner for transfer of registry in his favour. Respondents 4 to 9 filed appeal against the order dated 28.01.2010 before the 2nd respondent. The 2nd respondent through proceedings impugned in the writ petition allowed the appeal. Hence, the writ petition.

Mr.K.Rama Mohan Mahadeva for petitioner, learned Assistant Government Pleader for Revenue and Mr.Punna Rao for respondents 4 to 9 submit that the total procedure followed, both by the primary authority and the appellate authority, does not satisfy the requirements of law and submit that the orders dated 28.01.2010 of Tahsildar/3rd respondent and 27.06.2013 of Revenue Divisional Officer/2nd respondent can be set aside and the matter remanded to 3rd respondent for consideration and disposal on the request of writ petitioner in accordance with law. The statement is placed on record.

The writ petition is ordered as follows:

1. "Proceedings Roc.A/200/2010 dated 28.01.2010 of Tahsildar/3rd respondent and proceedings D.Dis.H/194/2013 dated 27.06.2013 of Revenue Divisional Officer/2nd respondent are set aside. Proceedings Roc.A/200/2010 dated 28.01.2010 are revived;
2. The 3rd respondent is directed to issue notice to respondents 5 to 9 herein and dispose of the matter expeditiously, preferably within three months from the date of receipt of a copy of this order;
3. The learned counsel by way of alternative submissions though have tried to persuade to refer to various allegations, as the matter is remitted back to 3rd respondent, this Court considers it appropriate to leave open all objections for consideration and decision by 3rd respondent; and
4. It is made clear that merits of the case, in view of the statement made by the counsel, are not considered by this Court

There shall be no order as to costs.

Consequently, pending miscellaneous petitions, if any, stand closed.

14th June, 2017

Lrkm

S.V.BHATT,J