

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION NO.18549 OF 2005

ORDER:

This writ petition is filed seeking a Writ of Certiorari calling for the records relating to the proceedings of the first respondent in case N.F3/6723/2001-F3/01/ROR/2002, dated 25.04.2005, and to quash the same.

2. Petitioner No.1 is the father and petitioner Nos.2 and 3 are his son and daughter respectively. Petitioner No.1 filed this writ petition, but during the pendency of this writ petition, he died, consequent upon which, petitioner Nos.2 and 3 were brought on record as his legal heirs by order of this Court dated 16.03.2017 in WPMP.No.41752 of 2016.

3. It is the case of the petitioners that in the year 1966, the first petitioner purchased agricultural lands admeasuring Ac.1-30 guntas in Sy.No.23 and Ac.0-28 guntas in Sy.No.27, situated at Dubbaka Village and Mandal, Medak District from one Jangam Sangaiah and another, under an unregistered sale deed. Since then, the first petitioner and his family members have been in possession and enjoyment of the same by conducting agricultural operations. While so, the first petitioner filed an application on 04.04.1997 before the third respondent seeking to register the unregistered sale deed under the provisions of the A.P. Records of Rights in Land and Pattadar Pass Books Act, 1971. Consequently, as per the directions of the third respondent, the first petitioner paid requisite stamp duty and registration charges. The third

respondent issued 13-B certificate in favour of the first petitioner in his file No.B/4195/97, dated 04.04.1997, in respect of the subject lands. Challenging the said proceedings, the fourth respondent herein filed an appeal before the second respondent, claiming rights over the subject lands. The second respondent dismissed the appeal in Case No.D/25/97, dated 28.05.2001, upholding the proceedings of the third respondent. Challenging the same, the fourth respondent filed a revision before the first respondent, who by impugned order dated 25.04.2005, allowed the same, setting aside the 13-B certificate No.B/4195/97, dated 04.04.1997, issued by the third respondent with a direction to restore the subject lands in favour of the fourth respondent herein. Challenging the same, the present writ petition is filed.

4. Heard.

5. The first respondent has passed the impugned order setting aside the orders of respondent Nos.2 and 3 stating that the third respondent, without verification of records and appraisal of facts, has ordered for validation of the subject lands in favour of the writ petitioner. But he did not mention any specific reason for setting aside the orders of respondent Nos.2 and 3. Apart from the same, a perusal of the impugned order shows that the first respondent has passed the same without hearing the writ petitioner.

6. In view of the above, this writ petition is allowed setting aside the order of the first respondent and the matter is remanded to the first respondent for deciding the same afresh on merits, in

accordance with law, by giving reasonable opportunity to both the parties. Till passing of orders by the first respondent, the parties are directed to maintain *status quo*. No costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

T.AMARNATH GOUD, J

Date: 20-12-2017
TJMR

