

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.29508 of 2017

ORDER:

Heard the learned Counsel for the petitioners.

The petitioners claim that they are the legal heirs of original protected tenant late Sri Emmadi Balaiah whose name was recorded in the register of protected tenants. They filed a petition for succession under Section 40 of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950 (for short, the Act), and for a consequential relief to restore possession under Section 32(1) of the Act in respect of the land admeasuring Ac.17.24 guntas in Survey No.28/1 situated in Bairamalguda Village, Saroornagar Mandal in Ranga Reddy District. The third respondent allowed the petition on 18.04.1992 recognizing the succession of the petitioners and ordered restoration of possession. Challenging the same, respondent Nos.4 to 12 preferred an appeal under Section 90 of the Act before the second respondent. The said appeal was dismissed on 30.08.1994 upholding the order passed by the third respondent. But, when a revision was preferred by them against the order of the second respondent in C.R.P.No.3876 of 1994, the same was allowed by order dated 12.09.1996. Challenging the said order, the petitioners preferred a Special Leave Petition. But, it appears that it was dismissed at the admission stage on the ground of limitation. The present Writ Petition is filed challenging the order in C.R.P.No.3876 of 1994

dated 12.09.1996 as contrary to the decision of the Full Bench in **Sada and etc. v. The Tahsildar, Utnoor, Adilabad District**¹ and that of the judgment of the Division Bench in **N.Sudershan Reddy v. Kannamma (deceased by LRs)**².

The above facts show that the Civil Revision Petition was dismissed way back on 12.09.1996 and the appeal preferred against the said Civil Revision Petition was also dismissed by the Supreme Court at the admission stage on the ground of limitation. Now the order passed in the Civil Revision Petition is sought to be set aside in the present Writ Petition and this Court cannot issue a writ of certiorari for such a relief. The order was passed by another learned single Judge in exercise of jurisdiction vested in him and if it is contrary to law it is for the parties to prefer an appeal or take appropriate proceedings in accordance with law. The order passed by one learned single Judge in exercise of vested jurisdiction, cannot be set aside by another learned single Judge in exercise of the extraordinary jurisdiction. This Court sees no merit in the present Writ Petition.

The Writ Petition is, accordingly, dismissed at the admission stage. However, the dismissal of the Writ Petition will not disentitle the petitioners from taking appropriate proceedings in accordance with law. The miscellaneous

¹ AIR 1988 AP 77 (FB)

² 1994 (1) AndhWR 189 : AIR 1994 AP 116

petitions pending in this Writ Petition, if any, shall stand closed.

There shall be no order as to costs.

01.09.2017
vs

(A.RAMALINGESWARA RAO, J)

