

HON'BLE SRI JUSTICE S.V. BHATT

W.P. Nos.7883 AND 7893 OF 2014

COMMON ORDER:

Heard Mr.SRajan for petitioner and the learned Government Pleaders for Revenue and Forests.

The petitioner and the respondents are same in these two writ petitions.

The petitioner challenges the orders of Commissioner of Appeals/respondent No.5 in W.P. No.7883 of 2014 and respondent No.6 in W.P. No.7893 of 2014 in proceedings Nos. VI/228/2010 and VI/332/2010 respectively, as illegal, suffer from arbitrariness and are contrary to the directions issued by this Court in W.P. No.3266 of 2012.

The counsel appearing for parties submit that in respect of the subject matter of writ petitions, a revision is pending before the Commissioner of Appeals. The orders impugned in the writ petitions do not state reasons in support of the conclusion arrived by the Commissioner of Appeals, hence, the Government Pleaders have consented to disposing of the writ petitions by remitting the matter to Commissioner of Appeals for consideration and disposal in accordance with law. To appreciate this limited objection of petitioner, this Court considers it appropriate to refer the order dated 09.02.2012 in W.P. No.3266 of 2012 and thereafter the operative portion of the proceedings impugned in W.P.No.7883 of 2014.

“Oral order:

Heard both sides.

Learned counsel for the petitioner submits that the 5th Respondent has admitted the revision petition filed by the 4th respondent without condoning the delay of 18 years.

After hearing the learned counsel for the parties, the writ petition is disposed of with a direction to the 5th respondent that the petitioner’s preliminary issue, delay of 18 years be considered first before deciding the case on merits. The revision petition filed by the 4th respondent shall be disposed of by the 5th respondent within four weeks from the date of receipt of a certified copy of the order. No costs.”

“Proceedings No.VI/228/2010, dated 15.02.2014

On basis of above findings, I find it a fit case to take up suo-motu revision U/s.14-A of A.P. (A.A.) Inams (Abolition & Conversion into Ryotwari) Act 1956 to satisfy myself regarding the correctness of decision and regularity of such proceedings.

There is no time limit prescribed for suo-motu revision.

Sri N.V.S.V.Ramakrishna had filed following orders made by Hon’ble High Court in W.P. No.3266/2012 on 9-2-2012 wherein Hon’ble High Court had directed 5th respondent to hear preliminary issue of delay of 18 years first before considering the merits.

It is decided to take up suo-motu revision U/s.14-A of AP (AA) Inams (Abolition & Conversion into Ryotwari) Act 1956 as there is no time limit for taking up revision U/s.14-A. The case is posted for hearing on dt.25-03-2014 at 2-30 p.m.”

This Court is of the view that the Commissioner of Appeals ought to have taken note of the observation/direction of this Court in W.P. No.3266 of 2012 while passing the orders impugned in these writ petitions. The reasons now assigned in counter affidavit or oral argument cannot satisfy the requirement or complying with the directions issued by this Court. The Commissioner of Appeals if decided to hold that there is no time limit for entertaining a revision, such conclusion ought to have been preceded by same reasoning till its conclusion. The counsel appearing for the parties since have consented to disposing of the writ petitions, this Court is not proposing to examine the merits or other circumstances pleaded by petitioner and/or contesting respondents. The writ petitions are ordered as follows:

The orders impugned in the writ petitions are set aside as not satisfying with the directions issued by this Court in W.P. No.3266 of 2012 and matter remitted to Commissioner of Appeals for consideration and disposal afresh. After remand, the respondents are given liberty to rely on the principle laid down in *Maharaja Alak Narayana Science & Arts Society (MANSAS), Vizianagaram v. Buddaraju Sarojini and others*¹ and persuade the Commissioner of Appeals with their contention that no time limit is provided on revision and in the case on hand having regard to totality of circumstances, the revision is maintainable. The Commissioner of Appeals considers and disposes of applications, now restored to file,

¹ 2005 (2) ALT 106

along with other revisions pending on the same subject matter as expeditiously as possible, preferably within two months from the date of receipt of a copy of this order. The parties to the lis are given liberty to file additional material, if any, in support of their respective cases.

No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

Date:27.07.2017
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S.V.BHATT, J