

HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.35462 OF 2013

ORDER:

The issue arises under the A.P. Rights in Land and Pattadar Passbooks Act, 1971 (for short 'the Act').

The petitioners challenge proceedings No.B2/2227/2013 dated 14.11.2013 of the 2nd respondent as illegal and contrary to the scheme of the Act. The petitioners in support of their contentions rely upon the following passage:

"In view of the above, while treating the petition filed by the petitioners as an appeal, the mutation granted in favour of Mohammed @ Dudekula Jafar s/o Raj Mohammed for the 0.03 ac. of land in Sy.No.346/D situated at Kishanraopet village vide Proc.No.B/330/2012-4 dt.28.06.2012 is hereby cancelled under Sec. 5(5) of the A.P. Rights in Land & PPBs Act-1971. Consequently, the PPB/TD No.S-532211 with Khata No.772 and the entries made in 1-B register and pahanies in favour of the said Dudekula Jafar also stands cancelled.

The Tahsildar-Velgatur is hereby directed to seize the PPB/TD issued to the said Dudekula Jafar and correct the entries in 1-B register and pahanies accordingly which were existed prior to grant of mutation in favour of the said Dudekula Jafar".

From the above, it is contended that respondent Nos.4 or 5, in fact, have not filed appeal as prescribed by the Act, but have filed a petition, which is treated as an appeal filed by respondent Nos.4 or 5 and the order impugned in the writ petition is passed.

Counsel for petitioners relies upon the decisions reported in **SANNEPALLI NAGESWAR RAO AND ANOTHER v. DISTRICT COLLECTOR, KHAMMAM AND OTHERS¹** and **KRISHTAPPA AND OTHERS v. JOINT**

¹ 2002(4) ALT 465 (DB)

**COLECTOR AND ADDITIONAL DISTRICT MAGISTRATE, ANANTAPUR
AND OTHERS².**

Mr.Ravinder appearing for respondent No.4 submits that the jurisdiction now exercised by 2nd respondent may not conform to the principle of law laid down by this Court in the decisions referred to above. According to him, if the contesting respondents are asked to file appeal at this juncture, they are subjected to great loss and hardship. Alternatively, he submits that liberty to respondents 4 or 5 may be granted to file appeal within 30 days from the date of receipt of a copy of this of order by raising all the objections available against the grant of mutation in favour of petitioners herein. Mr.V.Ravi Kiran Rao does not oppose the request.

I am satisfied the writ petition can be disposed of by this order:

“Respondents 4 or 5 are permitted to file appeal before 2nd respondent within 30 days from the date of receipt of a copy of this order.

The appeal if is filed as permitted by this order, the 2nd respondent is directed to number the appeal and dispose of the appeal on merits expeditiously, preferably within six months after hearing both the parties”.

The writ petition is, accordingly, disposed of. There shall be no order as to costs.

Consequently, pending miscellaneous petitions stand closed.

S.V.BHATT, J

19th July, 2017
Lrkm

² 2014(4) ALD 8