

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.29082 of 2008

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioners, seeking to call for the record in L.R. No.9472/ LTR2/ 2008, dated 06.11.2008, of the 1st respondent, and quash the same.

The case of the petitioners is that they filed revision petition under Regulation 6 of the A.P. (Schedule Areas) Land Transfer Regulation, 1959 before the 1st respondent against the orders in CMA No.176/ 2005, dated 27.10.2007, of the 2nd respondent, which arose out of LTR Case No.68/ 2004/ E&K, dated 18.01.2005, of the 3rd respondent. The revision petition was filed along with the delay petition, and that the 1st respondent dismissed the said revision without issuing any notice to the petitioners and without conducting any enquiry, on the ground that same is filed belatedly.

Heard and perused the material available on record.

Admittedly, the Deputy Collector (TW) Bhadrachalam, passed order, dated 18.01.2005, in Case No.68/ 2004/ ENK, directing the petitioners, who are respondents before him, to hand over possession of the immovable properties to the custody of the Government. Against the said order, the petitioners filed CMA No.176/ 2005 before the Additional Agent to Government and the same was dismissed by the Additional Agent to Government vide order, dated 27.10.2007. Aggrieved over the same, the petitioners, instead of approaching the 1st respondent, filed WP No.18246 of 2008 before this Court and this Court dismissed the said writ petition directing the petitioners to file

revision before the Agent to the Government. Accordingly, the petitioners preferred revision before the 1st respondent. But, the 1st respondent dismissed the revision on the ground of delay.

Learned counsel for the petitioners submitted that since the petitioners have chosen a wrong Forum, the delay occurred in preferring the revision, whereas the 1st respondent without taking the same into consideration, dismissed revision on the ground of delay, and hence, he prayed to direct the 1st respondent to number the revision, and pass appropriate orders after hearing the petitioners.

Taking into consideration the facts and circumstances of the case and the grievance of the petitioners, this Court is of the view that the petitioners can be given a chance to put forth their case before the 1st respondent. Therefore, this Writ Petition is disposed of with the following directions:

The order passed by the 1st respondent, dated 06.11.2008, in Lr. No.9472/ LTR2/ 2008, is hereby set aside and the 1st respondent is directed to number the revision preferred by the petitioners by condoning the delay, consider the same afresh and pass appropriate orders, after giving opportunity to the parties concerned. Till disposal of the revision by the 1st respondent, the petitioners shall not be dispossessed from the subject properties.

No order as to costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

August 11, 2017

KTL

