

HON'BLE SRI JUSTICE S. V. BHATT

Writ Petition No.23088 of 2017

ORDER:

The petitioners challenge notice dated 01.07.2017 in ROR Case No.7/ASPM/2017 issued by 2nd respondent, as illegal, amounts to arbitrary exercise of jurisdiction by 2nd respondent.

2. The principal objection of petitioners against the notice impugned in the writ petition is that respondents 4 to 6, if are aggrieved parties, the appeal is required to be filed within sixty days and in the case on hand, the appeal is filed merely after 1½ years without a petition seeking condonation of delay in filing the appeal. Further, as the parties are already before the civil Court, Section 8(2) of the A.P. Rights in Land and Pattadar Pass Books Act, 1971 is attracted. The entries in Record of Rights can be maintained subject to the decision of the competent civil court. The 2nd respondent without taking note of these objections adjourned the appeal for hearing to 21.07.2017. Hence, the writ petition.

3. Learned Assistant Government Pleader (Revenue) contends that the averments in paragraph 5 of the affidavit are incomplete and that the oral submissions, if any made before the 2nd respondent or consequential refusal of 2nd respondent to take note of those oral submissions and posting the appeal to 21.07.2017, cannot be treated as cause of action much less cause for considering prayer of the writ petition. He further submits that the petitioners, if placed before the 2nd respondent the written objections, the 2nd respondent is under obligation to consider the objections, dispose of the appeal strictly in accordance with law.

4. I have perused the material available on record, taken note of the limited submissions of the learned counsel appearing for the parties. This court is not inclined to exercise its jurisdiction against the notice impugned in the writ petition or examine the illegality at the stage of the matter. However, the petitioners are given liberty to file written objections on or before 21.07.2017 by enclosing a copy of this order and it is for the 2nd respondent to consider each one of the objections and dispose of the appeal, in accordance with law.

5. The writ petition is, accordingly, dismissed. No order as to costs. Pending miscellaneous petitions if any in this writ petition shall stand dismissed in consequence.

Date: 14.07.2017
Note: Furnish CC in three days.
(BO)
BSS

S.V. BHATT, J



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URGENT
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Date: 14.07.2017

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