

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.7345 OF 2017

ORDER:

This writ petition is filed challenging the notice dated 05.12.2016, issued by the 2nd respondent wherein the petitioners were directed to appear before the 2nd respondent along with documents with regard to appeal filed by unofficial respondents under Section 5 B of the A.P.Rights in land and Pattadar Pass Books Act, 1971 (*for short 'the Act, 1971*).

Learned counsel for the petitioners submits that pattadar pass books were granted to the petitioners and they have also made construction in the subject land; and that now appeal is filed after long lapse of time for cancellation of Pattadar Pass Books, though time limit is prescribed for filing appeal. Petitioners engaged advocate and filed objections regarding maintainability and limitation of the appeal, but, the 2nd respondent without considering the said objections trying to dispose of the appeal on merits.

Heard learned Assistant Government Pleader for Revenue.

When petitioners have raised objections regarding maintainability and also limitation, the 2nd respondent-appellate authority is obligated to consider the said objections before passing any orders in the appeal, on merits.

In view of the same, the 2nd respondent is directed to dispose of the appeal filed by the unofficial respondent after considering the objections raised by the petitioners regarding maintainability and limitation and after issuing notice to the petitioners as well as unofficial respondents. It is also open for the petitioners to raise any other objections which the petitioners entitled under law.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending, shall stand closed.

03.03.2017
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A.RAJASHEKER REDDY,J