THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.6644 OF 2017

O R D E R

As per writ averments, under the provisions of A.P.(A.A) Inams (Abolition and Conversion into Ryotwari) Act, 1956 (for short 'the Act') the then Tahsildar/Mandal Revenue Officer, passed order dated 13.2.2007 confirming the ryotwari pattas granted to the petitioners in respect of subject lands. Against the said order, the present Tahsildar – 5th respondent, filed appeal under Section 7(2) of the Act before the 4th respondent – Revenue Divisional Officer for setting aside the same. The 4th respondent, vide proceedings in Rc.No.11026/2016/C/Dt dated 14.10.2016 issued notice to the petitioners to appear for hearing. Challenging the same, the present writ petition has been filed.

The learned counsel for the petitioners submit that pursuant to the remand order, the then Tahsildar, after considering all the aspects of the matter, passed order dated 13.2.2007 confirming the ryotwari pattas granted earlier to the petitioners in respect of the subject land. After a lapse of nine years, appeal has been filed by the 5th respondent. Entertaining such an appeal by the 4th respondent – Revenue Divisional Officer, is erroneous. Relying on the judgment of a Division Bench judgment of this court in *VEERAPPA v. REVENUE*

DIVISIONAL OFFICER, CHITTOOR[1], he contended that appeal against the grant of ryotwari patta under the Act, after a period of 60 days, cannot be entertained. He further submits that pursuant to the impugned notice, the petitioners have made their appearance before the said authority. However, having regard to the facts and circumstances and the law laid down by the Division Bench of this court, he sought to set aside the notice and consequently to reject the appeal.

The learned Assistant Government Pleader for Revenue submits that the order dated 13.2.2007 was without notice and hence the appeal has been filed by the 5th respondent –Tahsildar and accordingly impugned notice has been issued, to which the petitioners have made their appearance and hence the writ petition may be dismissed.

As per the submission of the learned counsel for the petitioners, pursuant to the impugned notice, petitioners have made their appearance and as on date, no final orders have been passed. In view of these circumstances, without expressing any opinion on merits, the writ petition is disposed of at the stage of admission, leaving it open to the petitioners to file the relevant material and raise all the objections available under law, including the one of limitation; and the 4th respondent – Revenue Divisional Officer, after giving opportunity to

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[1] 2002(5)ALD 121 (DB)

the writ petitioners and the 5th respondent, shall pass appropriate orders in accordance with law. No costs.

Miscellaneous petitions pending if any, shall stand closed.

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A.RAJASHEKER REDDY,J

DATE:27—02—2017

AVS