

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 34495 OF 2017

ORDER:

The impugned order is passed in an appeal filed against the order of primary authority, dated 31.07.2017 under the provisions of the A.P. Scheduled Area Land Transfer Regulation 1/1959, as amended by Regulation 1/1970.

In terms of the order, dated 31.07.2017, the petitioners were directed to be evicted from the land admeasuring Acs.20.06 cents, on the ground that the land belongs to the Government. While holding so, a finding was also recorded that the pattas/land possession certificates granted in favour of the petitioners were void and invalid under Regulation 1/59, as amended by Regulation 1/70. Vide impugned order, the appeal has been disposed of with the following observations:

“I invite attention to the references cited.

It is to inform that the appellants Shoba Venkata Ramana S/o. late Matchayya and two others (STs) have filed an appeal suit against the lower Court orders in LTR No.419/93/dated 31.07.2017 with a request to stay the order of the Lower Court.

On examination, the appeal petition filed by the tribal petitioners is hereby dismissed as the admission stage, as there is no valid grounds to admit the appeal petition under LTR 1/70.

In this connection, I request to look into the matter and take appropriate action to implement the lower court orders to safeguard the tribal lands from the non tribal encroachers under LTR 1/70 and report compliance.”

The above-quoted portion discloses total non-consideration of the grounds raised by the petitioners and there is also no discussion with respect to the merits and demerits of the appeal filed by the petitioners in August, 2017.

The appeal being an effective statutory remedy, there is an obligation on the part of the Appellate Authority to consider the grounds raised, along with the material documents filed in support of the appeal, and further record a finding with respect to the merits and demerits of the grounds raised. The impugned order is a mere declaration that there is no valid ground to admit the appeal. Such declaration is not in conformity with the settled method and manner prescribed for disposal of appeal.

In the light of the above, it is not necessary to issue notice to respondent Nos.5 and 6 as the order impugned is passed only on 02.10.2017.

Hence, the writ petition is allowed and the order impugned is set aside with a direction to respondent No.2 to entertain the appeal and pass orders on merits.

Consequently, the miscellaneous petitions, if any shall stand disposed of. No costs.

CHALLA KODANDA RAM, J

Dt:16.10.2017

kdl

