THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.NO.286 OF 2018

O R D E R

The petitioner claims to be the owner and possessor of land admeasuring Acs.6-28 guntas in Sy.No.243 and Acs.3.09 gts. in Sy.No.244 situated at Manikbhandar village, Makloor mandal, Nizamabad District. The petitioner stated that the said land originally belonged to joint family of paternal uncle of the wife of the petitioner. In view of close relation, an unregistered gift deed was executed in respect of the above property along with other lands in favour of petitioner on 25.03.1985 by the father of the 5th respondent and father of the respondents 6 and 7 and also by 8th respondent. Petitioner sought mutation of his name in the revenue records and accordingly applied to 4th respondent. The 4th respondent passed an order on 28.11.2005 ordering for mutation of the name of the petitioner in the revenue records. Thereafter, pattedar pass books and title deeds were issued to him. However, the respondents 5 to 8 filed an appeal before the 3rd respondent under Section 5-B of A. P. Rights in Land and Pattedar Passbooks Act, 1971 and 3rd respondent dismissed the appeal by order dated 25.04.2016. Challenging the said order of 3rd respondent, respondents 5 to 8 preferred a revision before the 2nd respondent under Section 9 of the above said enactment. When the 2nd respondent passed order on 24.11.2017, setting aside the orders of respondents 3 and 4, the present writ petition is filed.

The order passed by the 2nd respondent reads as follows:

> "Heard the parties and perused the records. The lower court has not properly heard and examined the issues and passed incorrect orders. Originally the document written was impounded U/s 41 and 42 of Indian Stamp Act which can be used only as an evidence document but not sale deed / gift deed and transfer can't be made on the document. The mutation taken place based on this document is not valid. Hence the orders passed by the Revenue Divisional Officer, Nizamabad in file No.A3/22220/2015, dated 25.04.2016 are set aside. As a result the revision petition is allowed."

The above order was passed after narrating the facts of the case and a perusal of the above order shows that no proper reasons were given in support of such findings. In the circumstances, this court is constrained to set aside the impugned order of 2nd respondent dated 24.11.2017 and remand the matter to 2nd respondent for consideration of the case afresh in accordance with law and pass a reasoned order within a period of three months from the date of receipt of a copy of this order.

The writ petition is accordingly allowed to the extent indicated above.

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

A.RAMALINGESWARA RAO,J

DATE: 25—01—2018

AVS