

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SRI JUSTICE M.S.K. JAISWAL

Writ Appeal No.96 of 2018

&

Writ Petition No.3324 of 2017

COMMON JUDGMENT: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

Heard Sri T.Venkat Raju Goud, Learned Counsel for the appellant (5th respondent in the Writ Petition) and Sri V. Venkata Mayur, Learned Counsel for the respondent-writ petitioner, and, with their consent, both the Writ Appeal and the Writ Petition are disposed of by this Common Judgment.

The respondent-writ petitioner filed the Writ Petition seeking a mandamus to declare the order passed by the Revenue Divisional Officer, Kamareddy on 09.12.2016 as illegal, arbitrary and in violation of principles of natural justice. A consequential direction was sought to set aside the said order passed by the Revenue Divisional Officer, Kamareddy.

In the order under appeal, the Learned Single Judge observed that the appellant had questioned the mutation of the respondent-writ petitioner's name in the revenue records pursuant to an order passed by the Mandal Revenue Officer on 06.11.2015; the appeal was preferred, under Section 5B of the A.P. Rights in Land and Pattadar Pass Books Act, 1971, before the Revenue Divisional Officer who entertained the appeal even though there was considerable delay in filing the same; there was no application for condonation of the said delay; the respondent-writ petitioner was also not impleaded as a party by the appellant; and no explanation was forthcoming, from the appellant, as to why the respondent-writ petitioner was not impleaded in the said appeal

though his name was mutated in the revenue records by the Mandal Revenue Officer on 06.11.2015. The interim order was, therefore, made absolute.

Sri T.Venkat Raju Goud, Learned Counsel for the appellant, would submit that, instead of keeping the Writ Petition pending on the file of this Court, it would suffice if the Writ Petition is disposed of setting aside the order passed by the Revenue Divisional Officer, and granting the appellant herein liberty to prefer an appeal afresh arraying the respondent-writ petitioner as a party thereto.

Sri V.Venkata Mayur, Learned Counsel for the respondent-writ petitioner, while fairly stating that such an order be passed, would, however, contended that, in case such an appeal is preferred, the Revenue Divisional Officer should also be directed to consider whether or not a belated appeal should be entertained.

As the appellant herein merely seeks liberty to prefer an appeal afresh to the Revenue Divisional Officer, arraying the respondent-writ petitioner as a party-respondent, we see no reason to keep the Writ Petition pending on the file of this Court. The order of the Revenue Divisional Officer, impugned in the Writ Petition, is set aside for violation of principles of natural justice as the respondent-writ petitioner was not arrayed as a party-respondent therein. Suffice it to make it clear that this order shall not disable the appellant herein, from preferring an appeal afresh to the Revenue Divisional Officer under Section 5B of the A.P. Rights in Land and Pattadar Pass Books Act, 1971 arraying the respondent-writ petitioner as a party-respondent therein. It is also made clear that we have not expressed any opinion on whether a belated appeal should be entertained by the Revenue Divisional

Officer as these are matters for him to consider in accordance with law.

Both the Writ Appeal and the Writ Petition are, accordingly, disposed of. The miscellaneous petitions pending, if any, shall also stand disposed of. No costs.

(RAMESH RANGANATHAN, ACJ)

(M.S.K. JAISWAL, J)

Date:30th January, 2018.

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