

HON'BLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE S.V.BHATT

WRIT APPEAL No.63 OF 2018

JUDGMENT: *(Per the Hon'ble Sri Justice S.V.Bhatt)*

Heard Mr.Srinivasa Rao Putluri for appellants, Mr.Gopal holding for Ms.Nagamani for 5th respondent and the learned Government Pleader (Revenue) for respondent Nos. 1 to 4.

The appellants are third parties to W.P. No.42182 of 2017. The appellants by taking leave of the Court are challenging the order in W.P.No.42182 of 2017. The 5th respondent herein filed the writ petition substantially complaining inaction of Tahsildar/4th respondent in considering and disposing of the application filed by 5th respondent for passing orders under the A.P. Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act'). Through the order under appeal, a direction was issued to 4th respondent to pass orders on the application dated 27.11.2017 within six weeks thereafter. The appellants aggrieved by the direction would urge that the 4th respondent has comprehensive jurisdiction under the Act and the 4th respondent cannot or could not take up the petition dated 27.11.2017 and pass orders concerning the subject matter for which mutation of entries in revenue records is applied, but is required to hear all the persons who have claims thereby exercises jurisdiction within the ambit of the Act. In other words, the case of appellants is that the 4th respondent is required to consider the claim or application of appellants simultaneously while

disposing of the representation dated 27.11.2017 filed by the 5th respondent herein.

We are of the view that the appeal is primarily based on apprehension that the 4th respondent may not consider the claim or objection of the appellants herein. With a view to providing fair opportunity to both the parties who claim to have interest in the subject matter for which mutation is sought, the writ appeal is ordered by this order:

As and when the 4th respondent undertakes enquiry into the representation dated 27.11.2017 filed by the 5th respondent, the 4th respondent issues notice to all, and considers the application made by the appellants herein. In other words, in the enquiry proposed to be held, notice issued to both parties, enquiry held and orders are passed as expeditiously as possible preferably, within eight weeks from the date of receipt of a copy of this order. It is made clear that this Court has not examined the merits of the rival parties.

Writ Appeal is ordered accordingly.

No order as to costs.

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

THOTTATHIL B. RADHAKRISHNAN, CJ

S.V.BHATT, J

Date:13-12-2018
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