

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.5659 OF 2018

ORDER :

This writ petition is filed challenging the impugned order dated 04.01.2018 passed by the 2nd respondent in RC.No.E/824/2015 and to quash the same.

Learned Counsel for the petitioner submits that though the petitioner produced rectification deed rectifying the name of the village, the appellate authority (The RDO, Manthani) as well as the Revisional Authority has not considered the same; and that the Revenue Divisional Officer has entertained the appeal after a period of six years.

Heard learned Assistant Government Pleader for Revenue and counsel for respondents 6 and 7.

The fact that respondents 6 and 7 suffered decree in OS.No.322 of 1991 and dismissal of appeal filed by them against the said decree were also not disputed by the learned counsel for respondents 6 and 7.

Admittedly, respondents 6 and 7 suffered decree when a suit in OS.No.322/1991 is instituted by the petitioner's vendor's father and the appeal against the said suit was also dismissed and became final.

These aspects have to be considered by the Revisional Authority i.e. 2nd respondent. This court is of the opinion that the 2nd respondent has not considered above aspects.

Both the counsel submit that the impugned order can liable to be set aside and the matter can be remitted to the Revisional Authority.

In view of the submissions made by both the counsel, the impugned order dated 04.01.2018 passed in Rc.No.E/824/2017 is set aside and the matter is remitted back to the 2nd respondent. Further the 2nd respondent is directed to dispose of the revision afresh within three months after issuing notice and after affording opportunity of hearing to both parties by considering the objections raised by them in this writ petition.

Accordingly, the writ petition is disposed of. Interim order granted on 21.02.2018 shall continue till disposal of revision by the 2nd respondent. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

23.10.2018
t k.