

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION NO.3156 OF 2006

ORDER:

This writ petition is filed seeking to declare the proceedings of the 1st respondent dated 23-7-2005 passed in D.Dis.No.E2/4490/2005 as arbitrary, illegal, violative of principles of natural justice and consequently direct the respondents to permit the petitioner to enjoy the land in Sy.No.388-2 to an extent of Ac.5-05 guntas, situated at M.Rayapuram Village, Rolla Mandal, Anantapur District by upholding the order of the 2nd respondent dated 25-3-2005 passed in D.Dis.No.2470/96 (D).

2. It is the case of the petitioner that the husband of the petitioner has been assigned land by the revenue authorities and the same was cancelled by the third respondent, which was challenged by the petitioner by way of an appeal before the second respondent and the second respondent by order dated 25-03-2005, has set aside the order of the third respondent dated 30-10-1992 by allowing the appeal and resumed the land in favour of the petitioner. The 4th respondent who was the beneficiary of the land assigned in favour of the petitioner has preferred a revision before the first respondent and the first respondent by order dated 23-07-2005, granted stay of the order of the second respondent, and remanded the case for fresh disposal, directing him to give opportunity of hearing both parties.

3. Heard.

4. Admittedly, the impugned order before the first respondent i.e., the order of the second respondent was not set aside and thus,

the matter cannot be remanded by the first respondent to the second respondent. The order passed by the first respondent *exfacie* is erroneous and the same is liable to be set aside.

5. Accordingly, the writ petition is disposed of, setting aside the order passed by the first respondent dated 23-07-2005. No order as to costs. As a sequel, the miscellaneous petitions pending if any shall stand closed.

T.AMARNATH GOUD, J

Date: 15-03-2018.
Shr.

