

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI**

Writ Appeal No.518 OF 2018

JUDGMENT: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the Learned Single Judge in W.P.No.42805 of 2017 dated 27.12.2017. The relief sought for in the writ petition is for a mandamus to declare the action of the Tahsildar, Kadapa, in issuing endorsement dated 18.01.2016 without notice and contrary to Section 5 of the A.P. Record of Rights in Land and Pattadar Pass Books Act, 1971, as illegal, arbitrary and violative of principles of natural justice.

While the writ petition was filed on 13.12.2017, the order under appeal came to be passed within two weeks thereafter on 27.12.2017 allowing the writ petition with costs of Rs.2,000/-, and setting aside the endorsement dated 18.01.2016.

It is not in dispute that the order of the Tahsildar dated 18.01.2016 was challenged nearly two years thereafter by way of the present writ petition which was filed on 13.12.2017. Though the respondent-writ petitioner invoked the jurisdiction of this Court nearly two years after the impugned order was passed by the Tahsildar on 18.01.2016, the writ petition came to be allowed within two weeks of its being filed, without giving the appellants herein a reasonable opportunity of filing their counter-affidavit.

While Sri K.Mallikharjuna Moorthy, learned counsel for the respondent-writ petitioner, would seek to put forth his submissions on merits, and would contend that the order of the Tahsildar is illegal, we are satisfied that the merits of the case need not be examined at this stage, as the writ petition could not have been allowed within two weeks

of its being filed even though the order under challenge in the writ petition was passed nearly two years before filing the writ petition.

On this short ground, the order under appeal is set aside and the Writ Petition is restored to file. We make it clear that we have not expressed any opinion on merits. The appellants shall file their counter-affidavit in the writ petition within three weeks from today. It is open to Sri K.Mallikharjuna Moorthy, learned counsel for the respondent-writ petitioner, to request the Learned Single Judge to take up the Writ Petition any day after three weeks.

The Writ Appeal is disposed of accordingly. Miscellaneous petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

28th March, 2018
JSU



(RAMESH RANGANATHAN, ACJ)

(KONGARA VIJAYA LAKSHMI, J)

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Date: 28.03.2018

JSU