

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN  
AND**

**THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI  
Writ Appeal Nos. 508, 512 and 513 of 2018**

**Common Judgment:** (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

These three appeals are filed, under Clause 15 of the Letters Patent, against the common order passed by the learned Single Judge in W.P. Nos. 6736 and 7454 of 2018 dated 13.3.2018.

The appellants herein are aggrieved by the order of the learned Single Judge to the limited extent the proceedings pending before the 3<sup>rd</sup> respondent in the Writ Petitions were directed to be transferred to any other Revenue Divisional Officer, within the jurisdiction of the District Collector, for disposal of the main proceedings and the applications in accordance with law; the District Collector was directed to withdraw the proceedings from the 3<sup>rd</sup> respondent therein and entrust the same to any other Revenue Divisional Officer within his jurisdiction within two weeks from the date of receipt of a copy of the order; and the Revenue Divisional Officer, to whom the matter was directed to be entrusted, was directed to dispose of the same.

The appellants' grievance, as put forth by Sri Vedula Venkataramana and Sri S. Niranjan Reddy, learned Senior Counsel, and Sri B.Vijaysen Reddy, learned counsel appearing on their behalf, is confined to that part of the order of the Learned Single Judge whereby the case was transferred from the jurisdiction of the 3<sup>rd</sup> respondent to any other Revenue Divisional Officer working within the jurisdiction of the District Collector. Their submission is that, even in the absence of a plea regarding the 3<sup>rd</sup> respondent having acted in collusion with the appellants, the matter is sought to be transferred to another Revenue Divisional Officer besmirching the integrity and reputation of the 3<sup>rd</sup> respondent in the process. While no allegation of *malice* would be

entertained by this Court without the person, against whom *malice* is alleged, being arrayed as a respondent *eo nomine* in the Writ Petition, and without his being given an opportunity to defend himself against such allegations (**State of Bihar vs. P.P. Sharma**<sup>1</sup>), the fact remains that these appeals are preferred not by the concerned Revenue Divisional Officer, but by the parties to the proceedings before him.

When we asked Sri Vedula Venkataramana, learned Senior Counsel, as to why they should espouse the cause of the 3<sup>rd</sup> respondent-Revenue Divisional Officer, learned Senior Counsel would submit that, since the matter regarding grant of Occupancy Rights Certificates was pending hearing before 3<sup>rd</sup> respondent for the past several years, transfer of the proceedings to another Revenue Divisional Officer would cause needless delay in its adjudication; and the appellants were, therefore, justified in invoking the jurisdiction of this Court under Clause 15 of the Letters Patent.

While commenting on the integrity of the 3<sup>rd</sup> respondent, (which we do not propose to detail in this order since the 3<sup>rd</sup> respondent has not been arrayed as a respondent *eo-nominee*), both Sri A. Abhishek Reddy and Sri M. Saleem, learned counsel for the respondent-writ petitioners, would submit that, since the learned Single Judge had directed the Revenue Divisional Officer (to whom the matter is now to be entrusted by the District Collector) to dispose of the same within a period of eight weeks, the apprehension, expressed on behalf of the appellants, must be held to be unfounded; and this Court may record the undertaking, now given on behalf of the respondent-writ petitioners by the Counsel representing them, that they would co-operate in early completion of the proceedings, before the Revenue Divisional Officer to whom the case is now being transferred, within the time stipulated in the order under appeal.

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<sup>1</sup> AIR 1991 SC 1260

The learned Single Judge has, in issuing the directions in the order under appeal, exercised his discretion to direct the case to be transferred from one Revenue Divisional Officer to another. The appellants cannot choose the Revenue Divisional Officer who alone should hear their applications for grant of Occupancy Rights Certificate, and it should hardly make any difference to them whether their applications are heard by the 3<sup>rd</sup> respondent or by any other Revenue Divisional Officer who is entrusted with these matters by the District Collector.

It is made clear that the order under appeal shall not be construed as an expression of opinion on the integrity of the 3<sup>rd</sup> respondent-Revenue Divisional Officer. It is always open to the said Officer, in case any of the observations in the order under appeal are construed as a blot on his character, to avail his judicial remedies in accordance with law. Suffice it to observe that exercise of discretion by the learned Single Judge, to have the case transferred from one Revenue Divisional Officer to another and leaving it open to the District Collector to identify the Revenue Divisional Officer to whom the case should be entrusted, does not suffer from a patent illegality necessitating interference in proceedings under Clause 15 of the Letters Patent. We see no reason, therefore, to entertain these appeals.

Recording the undertaking of the learned counsel for the respondent-writ petitioners, as noted hereinabove, all these Writ Appeals fail and are, accordingly, dismissed. Miscellaneous Petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

**(RAMESH RANGANATHAN, ACJ)**

**(KONGARA VIJAYA LAKSHMI, J)**

28<sup>th</sup> March, 2018  
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