

THE HON'BLE SRI JUSTICE S.V.BHATT

W.P. No.15521 of 2016

ORDER:

Heard Mr.P.Lakshma Reddy for petitioner, the Assistant Government Pleader for Revenue and Mr.K.V.Subba Reddy for respondent No.5.

The issue arises under A.P.Rights in Land and Pattadar Passbooks Act, 1971 (for short 'the Act') and Rules 1989.

The 4th respondent through proceedings No.ROR/6A/Kyathanpally/01/2015, dated 06.01.2016 ordered for mutation name of 1st petitioner for an extent of Ac.0-34 gts in Sy.No.89/Ru (89/23).

5th respondent is an aggrieved party against the proceedings dated 06.01.2016. The 5th respondent against said proceedings filed the representation before the 2nd respondent which was directed to be heard by 3rd respondent/Revenue Divisional Officer, Mancheri. The 3rd respondent registers, the representation filed by the 5th respondent before the Joint Collector, as appeal and allowed the appeal through proceedings impugned in the writ petition. The petitioner challenges the impugned proceedings, firstly on the ground that the petitioner was not heard by respondent No.3 or notice of hearing was issued to make it appear that some procedure in the appeal

was followed. The petitioner further contends that the 5th respondent, if is aggrieved by proceedings dated 06.01.2016, ought to have filed appeal under Section 5(5) of the Act but not represent before the 2nd respondent. The petitioner does not object on the maintainability of appeal before the Revenue Divisional Officer against the order of Tahsildar. But as noted, the grounds of challenge are that the orders are passed without notice to petitioner and appeal is not filed in the procedure prescribed by Rules, 1989.

The counsel appearing for 5th respondent as well as the Assistant Government Pleader, after taking note of patent illegality in exercise of jurisdiction by the 3rd respondent could not sustain the proceedings impugned in the writ petition. The proceedings impugned in the writ petition, for the above two reasons, are set aside. The order of this Court in writ petition shall not and ought not to be understood as this Court considered the claim of 5th respondent on merits thereof. The 5th respondent is given liberty, if so, advised to file appeal against the order of 4th respondent dated 06.01.2016. The appeal as and when filed, the time spent during pendency of writ petition is taken note of, while considering the delay in filing appeal and orders passed.

Writ petition is ordered as indicated above. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Dt: 22.03.2018
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