

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.16996 of 2018

ORDER:

Heard Dr.J.Vijaya Lakshmi for petitioner and the learned Assistant Government Pleader for Revenue.

The petitioner challenges the order of 2nd respondent in File No.F2/5791/2017, dated 15.02.2018 on several legal and factual grounds.

One of the grounds, which requires consideration by this Court is that the 2nd respondent passed the order impugned in the writ petition without hearing the petitioner. In other words, the petitioner does not complain that the petitioner was not put on notice by the revisional authority, but the petitioner pleads ignorance of the date of hearing, which resulted in the order impugned in the writ petition.

This Court would have summoned the file from the office of 2nd respondent and examined the grounds now canvassed by Dr.J.Vijaya Lakshmi. But, the fact of the matter is that the 2nd respondent in exercise of his jurisdiction under Section 9 of ROR Act, was satisfied that the mutation of name in 1-B Register for Sy.No.79 does not satisfy the requirement of legality, propriety etc. The 2nd respondent refers to two circumstances i.e., information given by the Tahsildar-4th respondent and the admission of the Village

Revenue Officer-5th respondent and finally passed the following order :-

“.....

In view of the above facts, the impugned mutation order B/ 2013/ 2014 dated 10.01.2015 is hereby set aside and the Tahsildar, Nakrekal is hereby directed to enquire the matter and submit the proposals to the Revenue Divisional Officer, Nalgonda as per the physical possession for grant of assignment pattas as per G.O.Ms.No.1406, Revenue (Assignment-I) dated 25.07.1958. The Administrative Officer, Nalgonda is hereby directed to initiate necessary disciplinary action against the VRO, Yadagiri Koppole Village of Kethepally Mandal.”

The 2nd respondent has not decided the claims of the parties for the purpose of recording names in 1-B Register for Sy.No.79 in an extent of Ac.3-09 gts.

The 2nd respondent remanded the case to primary authority on being satisfied that the 4th respondent is required to conduct detailed enquiry before either accepting change or entering names of any of the persons.

The petitioner claims possession and also entitlement to the subject matter of writ petition. The apprehension expressed by the learned counsel for petitioner is that the 4th respondent may not conduct enquiry, wherein the claim of the petitioner is considered along with other claims.

The objection is noted and this Court has no reason to doubt that the 4th respondent, if takes up enquiry, pursuant to the order dated 15.02.2018, follows the procedure prescribed by law and

considers each one of the claims by reference to record and passes appropriate orders in accordance with law.

The petitioner is given liberty to file detailed explanation together with supporting documents by enclosing a copy of this order within two weeks from today. On filing such explanation, the 4th respondent is directed to complete the enquiry within three months thereafter.

The writ petition is disposed of accordingly. No order as to costs.

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

Dt: 27-06-2018

Note:

Issue C.C. in three days

(B/o)

Prv



S. V. BHATT, J

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