

HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

Writ Petition No.27992 of 2008

ORDER:

In this writ petition filed under Article 226 of the Constitution of India, the petitioner seeks a writ in the nature of Mandamus declaring the action of the 1st respondent in passing the impugned order in Lr.No.10459/LTR-2/2008-2, dated 05.12.2008 without giving any notice is contrary to the direction in W.P.No.24946 of 2008 dated 14.11.2008 and consequently rejecting the revision filed against the order in CMA No.204 of 2007 is illegal and void and consequently direct the 1st respondent to pass orders in the main revision petition on merits.

2) Heard learned counsel for petitioner and learned Government Pleader for Social Welfare and Revenue and perused the impugned order dated 05.12.2008.

3) It appears, the 1st respondent dismissed the revision petition on the ground that there were no grounds to condone the delay of 72 days in filing the revision. As can be seen, valuable rights of the parties are at stake and therefore, in the considered view of this Court, it is not apt to reject the revision merely on the on technicalities.

4) Therefore, this writ petition is allowed by setting aside the impugned order dated 05.12.2008 and the delay of 72 days in filing the revision is condoned and the matter is remitted to the 1st respondent for disposal of the revision petition on merits after giving notice to all the concerned parties and their counsel within three months from the date of receipt of a copy of

this order. Till disposal of the revision petition, the petitioner shall not be dispossessed from the land in question.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

U. DURGA PRASAD RAO, J

Date: 23.08.2018

Murthy

