

THE HON'BLE SRI JUSTICE A. RAJASEKHAR REDDY

WRIT PETITION No.28614 of 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed for the following relief :

“To declare the Proceedings No.Sett.II (1) 13/2017, dt.6.07.2018 passed by respondent No.2 as illegal, unsustainable and arbitrary and in violation of Order 22 Rule 6 CPC and Article 14 and 300-A of the Constitution of India and the Andhra Pradesh (Andhra Area) Inams (Abolition and Conversion into the Ryothwari) Act, 1956 and the rules framed thereunder”

Learned Counsel for the Petitioners submit that initially Smt Pusapati Subbaraju, Maharaja Alaknarayana Society of Arts and Science and Pusapati Annapurnamma, filed an appeal before Respondent No.3/ the District Revenue Officer and Appellate Authority, Visakhapatnam, challenging the Orders passed by the Revenue Divisional Officer and Appellate Authority, Visakhapatnam, in Appeal Case No.2505 of 2004 under Section 10-A (23) of the AP (AA) Inams (Abolition and Conversion into Ryothwari) Act, 1956 and the arguments in the said Appeal were concluded and the matter was reserved for Orders on 19.03.2016 and the orders in this case were pronounced on 18.10.2016. Challenging the said Orders, the Legal Representatives of the said Pusapati Annapurnamma have filed revision before Respondent No.2/the Chief Commissioner of Land Administration, Gollapudi, Vijayawada, Krishna District. Thereafter, Respondent No.2 admitted the revision petition and granted interim stay of the operation of the Orders dt.18.10.2016 on 08.02.2017 and posted the case for hearing on 09.03.2017. While so, on 08.02.2018, the counsel for Respondent

Nos. 3 to 10 therein filed documents including the Death Certificate of Pusapati Annapurnamma/the revision petitioner therein, who passed away on 12.08.2016. The arguments in the matter were heard and case was reserved for Orders on 15.02.2018. Thereafter, respondent No.2 disposed of the said Revision Petition by way of impugned Order on 06.07.2018 holding that R.3/the District Revenue Officer passed orders against the dead person and that too without proper verification of pre-abolition records and accordingly, set aside the order and remitted the matter to respondent No.3 herein for fresh inquiry after verifying the pre-abolition records and after affording an opportunity to the concerned with a direction to complete the enquiry within a period of two months from the date of said Order.

Learned counsel for the petitioners further submit that it is brought to the Notice of the respondent No.2 that the revision petitioner therein passed away on 12.08.2016, but the respondent No.2 without considering the same and without any proper application of mind, brought Respondent Nos. 7 to 10 on record as legal representatives of the Revision Petitioner/P. Annapurnamma.

Aggrieved by the Order dt. 06.07.2018 passed by respondent herein, the present Writ Petition is filed.

Heard learned counsel for respondent Nos. 7 to 10. No Counter affidavit is filed by the respondents.

The assertions of the petitioners have not been answered by the respondents herein by filing counter affidavit. However, both the learned counsel conceded that the matter can be remanded to respondent No.2 for disposal afresh by considering all the contentions now raised before this Court.

In view of the same, without going into the matter, the impugned Order dt. 06.07.2018 is set aside. The matter is remitted to respondent No.2/the Chief Commissioner of Land Administration, with a direction to hear the matter by considering the objections of both parties and pass appropriate orders within a period two months from the date of receipt of a copy of this Order.

Accordingly, this Writ Petition is allowed to the extent indicated above.

The miscellaneous Petitions, if any, pending in this case shall stand closed.

A. RAJASHEKER REDDY, J

Dt: 13-11-2018

Note: Issue C.C. by 20.11.2018

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