

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.30806 of 2018

ORDER:

- 1) Heard learned counsel for the petitioner and Government Pleader for Revenue (AP). With the consent of both the parties, the Writ Petition is being taken up for hearing at the admission stage itself.
- 2) The present Writ Petition came to be filed seeking issuance of writ of Mandamus to declare the proceedings of the third respondent vide Roc.H/ 1446/ 2017 is without jurisdiction, barred by limitation and arbitrary.
- 3) There is no necessity to put the unofficial respondent on notice as this Court is not venturing to adjudicate the issue on merits.
- 4) The only ground urged by the learned counsel for the petitioner is that the impugned notice came to be issued basing on the representation made by the fifth respondent, which is contrary to the law laid down by this Court in *Vutukuru Subba Rao v. State of Andhra Pradesh*¹. He further pleads that a direction may be given to the Revenue Divisional Officer, to decide the issues relating to jurisdiction and limitation as preliminary objections.
- 5) The Government Pleader for Revenue (AP) submits that he has no objection for the same.

¹ (2014) 4 ALD 205

6) As seen from the record, pursuant to the notice given, the petitioner herein filed counter disputing the averments made in the representation and also claims to have raised issue relating to the jurisdiction of the Revenue Divisional Officer including the plea of limitation.

7) Having regard to the above, the Revenue Divisional Officer shall decide the issue of jurisdiction, and limitation as preliminary objections in accordance with law and then proceed further with the matter if required. It is needless to mention that the preliminary objections which are to be decided shall be as early as possible, preferably, within a period of six (06) to ten (10) weeks from the date of receipt of a copy of the order.

8) With the above direction, the Writ petition is disposed of. Miscellaneous petitions, pending if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE C. PRAVEEN KUMAR

29.08.2018

gkv

