HON'BLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE S.V.BHATT

WRIT APPEAL No.1479 OF 2018

JUDGMENT: *(Per the Hon'ble Sri Justice S.V.Bhatt)*

Heard Mr. G. Simhadri for appellant, the learned Government Pleader for Revenue and Mr. N. Ashwani Kumar for respondents 5 and 6.

The writ petitioner is the appellant. The appellant filed W.P.No.38025 of 2018 challenging the order RC.No.B/850/2018 dated 06.10.2018 of the Tahsildar, Hanamkonda Mandal/ 4th respondent and also the Legal Heir Certificate D.Dis.No.22/1466/1999 dated 08.06.1999 as illegal etc.

The order under appeal relegates the appellant to work out the statutory remedy of appeal available against the order dated 06.10.2018 under the A.P.Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act').

The appellant has filed statutory appeal against the order dated 06.10.2018 and therefore we do not propose to examine the merits of the appeal pending before the Revenue Divisional Officer. The grievance of appellant is that the 4th respondent through the order dated 06.10.2018 confirms the succession proceedings in favour of Gandrathi Shankar Rao, S/o.Narsaiah etc. According to Mr. Simhadri, the 4th respondent did not appreciate the object and purpose of Legal Heir Certificate dated 08.06.1999. Firstly, at any rate, the said Certificate cannot be looked into when an issue arises at the time of mutation under the Act. Secondly, the Certificate refers or restricts the purpose for which it is issued.

Mr.Simhadari draws our attention to the Certificate and says that the 4th respondent committed illegality by confirming the said Succession proceeding and the same approach, if is followed by the appellate authority as well, the consideration of statutory appeal on merits will be vitiated by extraneous circumstances.

Per contra, Mr.N.Ashwani Kumar contends that the appellant ought not to invite any observation or finding from this Court inasmuch as the Certificate dated 08.06.1999 was issued for the purposes stated therein and admittedly, one of the purposes is not to refer to that Certificate for any of the purposes undertaken by 4th respondent. According to him, the writ appeal is without merit and liable to be dismissed.

To the pointed query of the Court, the learned Government Pleader for Revenue submits that the order dated 06.10.2018 confirms succession proceeding and does not give further details on the Succession proceeding, which is confirmed by order dated 06.10.2018. He further states that in all probability what the 4th respondent means is the Legal Heir Certificate dated 08.06.1999.

In the above circumstances, after appreciating the genesis and after perusing the Certificate dated 08.06.1999 and taking note of the competence of 4th respondent to issue such Certificate for limited purposes, the writ appeal is ordered as follows :-

a) The Succession proceeding or Legal Heir Certificate dated 08.06.1999 is confined for the limited purposes for which the said proceeding was made or certified.

b) The appellate authority, without reference to the legal heir certificate or succession proceeding, disposes of the appeal filed by appellant as expeditiously as possible preferably within three months from the date of receipt of a copy of this order.

c) The appellant is given liberty to file copy of this order along with a memo for appropriate orders, as indicated above.

As a sequel thereto, miscellaneous petitions, if any pending, stand closed. No order as to costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

S.V.BHATT, J

20th December, 2018
Prv