

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON' BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

W.A.No.2015 of 2017 and W.P.No.40973 of 2017

COMMON JUDGMENT : (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

The respondent-writ petitioners had earlier invoked the jurisdiction of this Court aggrieved by the order passed by the Revenue Divisional Officer dated 05.09.2017. The Learned Single Judge, by his order in W.P.No.34510 of 2017 dated 25.10.2017, disposed of the writ petition leaving it open to the respondent-writ petitioners to raise all such contentions, as were available to them in law, in the appeal they intended to prefer. The Learned Single Judge observed that, in case the appeal was preferred within 10 days, the appellate authority should consider the appeal objectively, and shall pass appropriate orders within a further period of three weeks from the date of receipt of the appeal. The respondent-writ petitioners were directed to be given an opportunity of a personal hearing, before an order was passed, by fixing a date in advance. Till orders were passed, no further steps were directed to be taken by the authorities concerned regarding the development of the property.

Pursuant thereto, the respondent-writ petitioners claimed to have preferred an appeal within the ten days' time granted to them by the Court. They received a notice of hearing, from the Revenue Divisional Officer on 04.11.2017, fixing the date of hearing as 10.11.2017. The respondent-writ petitioners claimed to have submitted a representation on 10.11.2017 seeking two weeks' time to file documents. From the order passed by the Revenue Divisional Officer, it appears that the respondent-writ petitioners were granted a week's time and, since the documents were not filed by 17.11.2017, the impugned order came to be passed. While the order of resumption is dated 29.05.2016, the

Revenue Department is said to have handed over possession of the subject land to the Police Department on 05.09.2017.

The respondent-writ petitioners sought an interim order directing that no construction be made on the subject land by the Police Department. The fact that the respondent-writ petitioners were not in possession of the subject land when they filed the Writ Petition is, therefore, not in dispute. While the learned Government Pleader for Home, appearing on behalf of the appellants (respondents 5 and 6 in the writ petition), would submit that respondent-writ petitioners 4 and 5 are those who purchased a part of the assigned land from the assignees, and cannot, therefore, claim any right over the assigned land purchased by them, Sri K.Pavan Kumar, learned counsel appearing on behalf of the respondent-writ petitioners, would contend that, of the 5 respondent-writ petitioners, petitioners 1 and 2 are the legal heirs of the original assignees and are represented by the 3rd respondent who is their General Power of Attorney Holder; and that petitioners 4 and 5 had purchased a portion of the subject assigned land from the assignees.

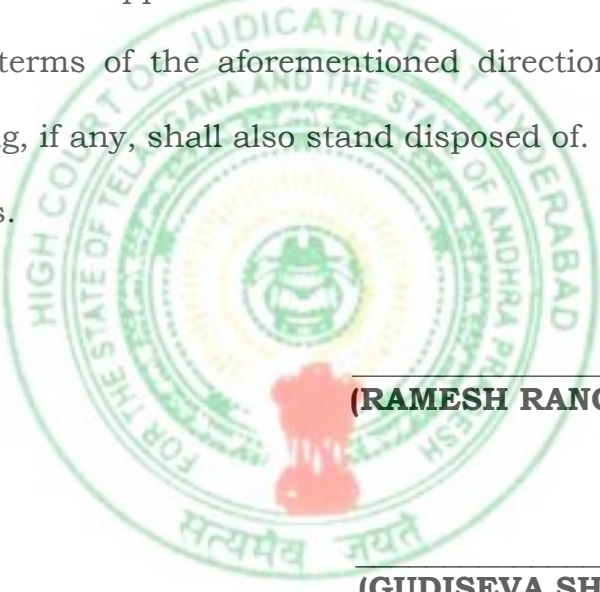
While a person who purchases assigned land, from the assignee, cannot claim title over the subject land, it is wholly unnecessary for us to examine these aspects, as the respondent-writ petitioners' revision is pending consideration before the District Collector along with an application for grant of stay.

We consider it appropriate, in such circumstances, to dispose of the writ appeal directing the District Collector to dispose of the revision itself, after giving the respondent-writ petitioners an opportunity of a personal hearing at the earliest and, in any event, on or before 31.01.2018. Suffice it to make it clear that construction, if any, undertaken, in the meanwhile, by the appellants shall be at their own

risk, and shall be subject to the orders to be passed by the District Collector in the revision preferred by the respondent-writ petitioners.

Learned Government Pleader for Revenue, appearing on behalf of respondents 6 to 9 in the writ appeal (respondents 1 to 4 in the writ petition), learned Government Pleader for Home appearing on behalf of the appellants (respondents 5 and 6 in the writ petition) and Sri K.Pavan Kumar, learned counsel appearing on behalf of the respondent-writ petitioners, would agree that, in view of the order now passed by us in the writ appeal, the cause in the writ petition does not survive necessitating any further adjudication by this Court.

Both the Writ Appeal and the Writ Petition are, accordingly, disposed of in terms of the aforementioned directions. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.



(RAMESH RANGANATHAN, ACJ)

(GUDISEVA SHYAM PRASAD, J)

02nd January, 2018
JSU

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Date: 02.01.2018

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