

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.2574 of 2019

ORDER:

The prayer of the petitioners in this case reads as under:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Certiorari by calling the records of the impugned notice dated 27.03.2018 in Lr.No.A2/631/2018 of the 3rd respondent pertaining to the ROR appeal filed by the respondents 5 to 8 and quash the same and to pass such other order or orders as this Honorable Court may see deem fit and proper in the circumstances of the case and in the interest of justice otherwise the petitioners shall be put to grave hardship and inexplicable hardship and injury.”

The Revenue Divisional Officer, Kandukuru Division, Ranga Reddy District, issued notice dated 27.3.2018 to the petitioners stating that an appeal had been filed under Section 5(5) of the Telangana Rights in Land and Pattadar Pass Books Act, 1971 (for brevity, 'the Act of 1971'), and called upon them to appear before him on the stated date. Be it noted that this notice was issued as long back as on 27.3.2018 and the date for enquiry was fixed as 05.05.2018.

Sri Palivela Satyaraja Babu, learned counsel for the petitioners, does not dispute the fact that the Revenue Divisional Officer is the statutory appellate authority as per Section 5(5) of the Act of 1971.

What is now sought to be questioned is essentially a show-cause notice. It is not clear as to whether the petitioners appeared in response to this notice and made known their stand.

Sri Palivela Satyaraja Babu, learned counsel, would however state that the matter is still at the stage of enquiry and that a counter is yet to be filed by his clients.

Though the learned counsel would place reliance on case law in support of his contention that the appeal filed before the Revenue Divisional Officer, Kandukuru Division, is hopelessly time barred, it may be noted that the decisions sought to be relied upon arose out of final appellate orders. Learned counsel is unable to cite even a single decision where the Court interfered at the stage of issuance of notice itself. When the jurisdiction of the Revenue Divisional Officer, Kandukuru Division, Ranga Reddy District, to entertain the appeal under the statute is not in question, this Court cannot assume that the said authority would exercise the appellate power, one way or the other, at this stage.

It is for the petitioners to bring their stand to the notice of the Revenue Divisional Officer, Kandukuru Division, Ranga Reddy District, duly supported by the case law that they now seek to press upon. Leaving it open to the petitioners to do so in the event the appeal has not been disposed of already, the Writ Petition is dismissed.

Pending Miscellaneous Petitions, if any, shall also stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

11th February, 2019

Note:

Issue CC in two days.

B/o

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