

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.17493 of 2019

ORDER:

The petitioner challenges the notice dated 02.5.2019, issued to her by respondent No.2 in the appeal filed by respondent No.4.

From a perusal of the record, it appears that respondent No.4 made an application to respondent No.3 seeking to correct the entries in the revenue records which were made admittedly in favour of the petitioner. Complaining of inaction on the part of respondent No.3, respondent No.4 approached this Court by filing Writ Petition No.29426 of 2017, which was disposed of by order, dated 31.8.2017, directing respondent No.3 to finalise the issue, pass a reasoned order and communicate the same to the petitioner therein expeditiously and preferably within a period of six weeks from the date of receipt of a copy of the said order.

Pursuant of the said order, respondent No.3 considered the matter and rejected the application of respondent No.4, *vide* memo dated 10.01.2018, on the ground that the record pertaining to Survey No.238/N (0.33) is not available in his office. Thereafter, respondent No.4 filed an appeal before respondent No.2 invoking the provisions of Section 5 of the Telangana State Rights in Land and Pattadar Pass Books Act, 1971.

It is the assertion of the petitioner that there is no cause of action for respondent No.2 to issue notice and entertain the appeal filed by respondent No.4 as there is no reasoned order passed by respondent No.3. It is also the assertion of the petitioner that

respondent No.3 has not decided anything in favour or against respondent No.4 which could be appealed to respondent No.2.

It may be noted that not having a reasoned order itself is appealable. In the present case, respondent No.3 rejected the claim of respondent No.4 stating that the record pertaining to the subject Survey number is not available in his office. The said rejection by respondent No.3 primarily is not in accordance with the prescribed procedure under the Telangana State Rights in Land and Pattadar Pass Books Act, 1971, in which case, respondent No.2 being the appellate authority is empowered to correct the same.

In that view of the matter, issuance of notice by respondent No.2 to the petitioner in the appeal filed by respondent No.4 cannot be found fault with.

The Writ Petition is accordingly disposed of giving liberty to the petitioner to contest the appeal before respondent No.2 on merits.

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

16th August, 2019
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JUSTICE CHALLA KODANDA RAM