

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.No.18958 of 2019

ORDER

This writ petition is filed with the following prayer:

“ to issue appropriate writ, order or direction, particularly one in the nature of writ of mandamus, declaring the order in Case No.A4/CPC/07/2003, dated 15-07-2019 passed by the Respondent No.1 herein as illegal, arbitrary, contrary to law and set aside the same and consequently declare the Petitioners herein as absolute owners, title holders and possessors of property mentioned therein and direct the Respondent No.2 to vacate and handover the possession of the same to the petitioners within time frame as fixed by this Hon'ble Court along with costs and pass such further or other orders as this Hon'ble Court deems just and proper in the circumstances of the case.”

Learned counsel for the petitioners submits that a reading of the impugned order goes to show that the same is passed without application of mind and bereft of reasons. The G.O.Ms.No.17, Social Welfare (L.T.R.2) Department, dated 07-03-2003 only states that the question relating to registration of the petition scheduled land is a civil matter between the appellant and the respondent therein and directed the parties to settle the matter in a civil Court regarding the validity and enforceability of the unregistered sale deed. In pursuance of the same, the parties approached the 1st respondent. But instead of adjudicating the issue after hearing both parties, the 1st respondent dismissed the petition confirming the orders passed by the Additional Agent to Government and District Collector.

Heard learned counsel for respondents.

A perusal of the impugned order goes to show that the same is passed without application of mind without reference to facts in the issue.

In view of the same, the impugned order is set aside. The 1st respondent is directed to decide the Agency suit No.7 of 2003 along with counter claim in accordance with law, within a period of six months from the date of receipt of a copy of this order. Both parties are permitted to adduce the evidence.

Accordingly, the writ petition is allowed. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No costs.

A.RAJASHEKER REDDY,J

17-09-2019
Nvl

