

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.11856 OF 2017

ORDER:

1 Challenge in this Writ Petition is to the order dated 09.01.2017 passed by the Revenue Divisional Officer, Wanaparthy Division, Wanaparthy District, whereby the proceedings dated 12.09.2016 of the Tahsildar, Wanaparthy Mandal, Wanaparthy District, were set aside.

2 On 27.02.2019 when the case was taken up for hearing, Sri M.Damodar Reddy, learned counsel for the petitioners, contended that the Revenue Divisional Officer, Wanaparthy Division, Wanaparthy District, exercised appellate power and disposed of the pending appeal by the order dated 09.01.2017, without putting the petitioners on notice. The learned Assistant Government Pleader for Revenue, State of Telangana, was thereupon directed to produce the original records. Today, the learned Assistant Government Pleader placed before this Court the original records. Perusal thereof reflects that the Revenue Divisional Officer, Wanaparthy Division, did not issue any notice to the petitioners or the 5th respondent herein, the respondents in the appeal filed before him under Section 5(B) of the Telangana Rights in Land and Pattadar Passbooks Act, 1971, (for brevity 'the Act of 1971'), before disposing of the same, vide the impugned order dated 09.01.2017. The order also does not record to that effect and there is no mention about any notice having been issued to the respondents in the appeal. There is, therefore, a clear violation of the principles of natural justice.

3 Ms. B. Madhavi, learned counsel representing Sri V.Venumadhav, learned counsel for the 4th respondent, the appellant in the appeal filed

before the Revenue Divisional Officer, Wanaparthy Division, Wanaparthy District, does not dispute this aspect of the matter.

4 As the 5th respondent herein would sail along with the petitioners, it is not necessary to put her on notice or afford her an opportunity of hearing at this stage, as the order proposed to be passed by this Court would be favourable to her also.

5 In the light of the facts recorded supra, the impugned order dated 09.01.2017 passed by the Revenue Divisional Officer, Wanaparthy Division, Wanaparthy District, in exercise of appellate power, cannot be sustained. The said order is accordingly set aside and the appeal filed by the 4th respondent under Section 5(B) of the Act of 1971 is restored to the file of the Revenue Divisional Officer, Wanaparthy Division, Wanaparthy District, for consideration afresh on merits and in accordance with law after giving due notice and opportunity of hearing to all parties concerned. This exercise shall be completed expeditiously and in any event, not later than eight weeks from the date of receipt of a copy of this order, be it from whatever source.

6 The Writ Petition is disposed of accordingly.

7 Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

SANJAY KUMAR, J.

Dt: 12.03.2019

Kvsn