

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

W.P.No. 21533 of 2019

Date: 31.10.2019

Between :

Banda Venkat Reddy and others.

Petitioners

And

State of Telangana, rep. by its
Principal Secretary, Revenue Department,
Secretariat Building, Hyderabad & others.

Respondents



This court made the following :

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ORDER :

Heard learned counsel for petitioner and learned Government Pleader for Revenue and perused the record.

2. Respondent Nos.4 to 6 filed Appeals under Section 5(5) of A.P. Record of Rights in Land and Pattadar Passbooks Act, 1989 (for short 'the Act') before the 2nd respondent-Revenue Divisional Officer challenging mutation of petitioners 1 and 2 in the revenue records in respect of land to an extent of Ac.3-22 guntas and Ac.3-02 guntas respectively in Sy.Nos.115 and 114 situated at Siripuram village, Ramannapet mandal, Yadadri-Bhuvanagiri district. In the said appeal, appellants prayed for setting aside the said alleged entries and to cancel the pattadar passbooks and title deeds. In response to the said appeal, notice dated 20.8.2019 is issued, calling upon the petitioners herein to appear before the appellate authority on 31.8.2019 and to make submissions. This notice is under challenge in this writ petition.

3. Learned counsel for petitioner sought to contend that there is an inordinate delay in complaining against the alleged entries in the revenue records and therefore the appellate authority ought not to have entertained the appeal.

4. Learned counsel for petitioner does not dispute the fact that the appeal would lie against wrong entries made in the revenue records. Against the decision of the Tahsildar, such appeal under Section 5(5) of the Act has to be preferred within sixty (60) days from the date of its decision. If what is contended by the learned counsel for petitioner is correct that there is an inordinate delay in

preferring the appeal, the petitioners can as well raise the same objection in response to the notice issued by the appellate authority and it is for the appellate authority to take a decision on the said objection.

5. Since what is challenged in this writ petition is the notice issued by the competent authority, this Court is not inclined to entertain the writ petition. Granting liberty to the petitioners to file objections in response to the notice dated 20.8.2019, this writ petition is disposed of. Since the appeal is of the year 2015, the appellate authority shall dispose of the appeal as expeditiously as possible, preferably within a period of twelve (12) weeks from the date of receipt of a copy of this order, after affording opportunity to both the parties and due consideration of objections/submissions. As a sequel, the miscellaneous applications, if any, shall stand closed.

Date: 31.10.2019
DA

P.NAVEEN RAO,J

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