

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

W.P. No.1731 of 2020

ORDER:

The grievance of the petitioner in the present writ petition is that the 3rd respondent, Tahsildar, did not follow the due procedure laid down under the A.P. Record of Rights Act, 1971 (for short “the Act”).

According to the learned counsel for the petitioner, notice dated 27.12.2019 was issued by the 3rd respondent fixing the date of hearing the objections on 04.01.2020. The said notice was served on the petitioner on 05.01.2020. As per the said notice, time has to be given minimum 30 days and the time fixed for submission of objections should be beyond 30 days whereas, in the present case, the 3rd respondent fixed the date only on 04.01.2020 by serving the notice dated 27.12.2019, which was stated to have been received by the petitioner on 05.01.2020. He further submitted that the petitioner has submitted his objections on 23.01.2020. By referring the same, the learned counsel for the petitioner would submit that non following the due procedure laid down under the Act by the 3rd respondent has to be declared as illegal.

On the other hand, the learned Government for Revenue would submit that since there was no stay from any Court of law, the 3rd respondent issued endorsement dated 23.01.2020.

On a perusal of the notice dated 27.12.2019, the 3rd respondent fixed the date for appearance was on 04.01.2020. It is to be seen that the time between the date of

issuance of notice and the date of appearance is less than 30 days. Moreover, though the petitioner submitted his detailed objections on 23.01.2020 the same were not considered by the 3rd respondent.

In view of the same, Endorsement No.A/352/2020, dated 23.01.2020 is set aside and the 3rd respondent, Tahsildar, is directed to consider the objections dated 23.01.2020 of the petitioner and pass appropriate orders, in accordance with law.

Accordingly, this writ petition is disposed of. There shall be no order as to costs.

As a sequel, miscellaneous applications, if any pending, shall stand closed.

JUSTICE K.LAKSHMAN

Date: 29.01.2020
LSK