

**HONOURABLE THE ACTING CHIEF JUSTICE
SRI M.S.RAMACHANDRA RAO**

AND

HONOURABLE SRI JUSTICE T.VINOD KUMAR

WRIT APPEAL No.475 OF 2021

JUDGMENT: *(Per Hon'ble The Acting Chief Justice Sri M.S.Ramachandra Rao)*

Heard Y. Chandra Shekar, learned Senior Counsel appearing for the appellants, Sri A. Sudharshan Reddy, learned Senior counsel appearing for the 1st respondent and learned Government Pleader for Revenue for respondent Nos.2 to 4.

2. In the impugned order dt.14.09.2021 in W.P.No.11506 of 2021, the learned Single Judge had permitted withdrawal of the said Writ Petition on the request made by Sri G. Madhusudhan Reddy, counsel on record for the 1st respondent, and granted liberty to the 1st respondent to avail the remedy of filing an appeal before the appellate tribunal under the provisions of the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 challenging the order of primary authority in C.C.No.702/M/1975. The learned Single Judge also vacated the interim order dt. 29.04.2021 and dismissed the Writ Petition as withdrawn by granting liberty.

3. Learned counsel for the appellants points out that in the letter dt.13.09.2021 addressed to the Registrar (Judicial) by the learned counsel for the 1st respondent while the counsel did say that the 1st respondent intends to withdraw the Writ Petition to avail the remedy of appeal before the Land Reforms Appellate Tribunal (for short,

“LRAT”), and has requested the matter to be listed for “withdrawal”, there was no specific request for grant of liberty to file the appeal before the LRAT. He also points out that under the provisions of the said Act, an appeal can be filed only by the parties to the proceedings or the Government and that the 1st respondent, if he intends to file an appeal before the LRAT against the order passed in C.C.No.702/M/1975, has to seek leave to file such appeal and grant of such leave is not automatic and the appellants are entitled to oppose it as well.

4. Learned Senior counsel appearing for the 1st respondent states that the 1st respondent would file an application for grant of leave to file the appeal before the LRAT challenging the order passed in C.C.No.702/M/1975 and that if such application is filed, the appellants can certainly file an objection, which the LRAT would adjudicate.

5. In view of the said statement of the learned Senior counsel appearing for the 1st respondent, this Writ Appeal is disposed of stating that notwithstanding the statement made in the order dt. 14.09.2021 in W.P.No.11506 of 2021 by the learned Single Judge granting liberty to the 1st respondent to file the appeal before the LRAT, the 1st respondent shall file an application for grant of leave to file such appeal and the appellants are permitted to oppose the said application and then the said Tribunal shall decide the matter

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uninfluenced by the orders passed by this Court on 14.09.2021 in W.P.No.11506 of 2021.

6. Accordingly, the Writ Appeal is disposed of.

7. Pending miscellaneous petitions, if any, in this Writ Appeal shall also stand dismissed. No costs.

M.S.RAMACHANDRA RAO, ACJ

T.VINOD KUMAR, J

Date: 20.09.2021.
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