

**HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI**

**MAIN CASE No.W.P.No.33322 of 2023**

**PROCEEDING SHEET**

| Sl.<br>No | DATE       | ORDER                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Office<br>Note |
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| 01        | 28.12.2023 | <p><b><u>RC,J</u></b></p> <p style="text-align: center;"><b><u>W.P.No.33322 of 2023</u></b></p> <p>Notice before admission.</p> <p>Learned Government Pleader for Revenue takes notice on behalf of respondent Nos.1 to 5.</p> <p>Learned counsel for the petitioner is permitted to take out personal notice to respondent No.6 by registered post with acknowledgment due and file proof of service in the Registry.</p> <p>Post on 24.01.2024.</p> <p>In the meantime, counters if any, by the official respondents.</p> <p style="text-align: right;">_____<br/><b>RC, J</b></p> <p style="text-align: center;"><b><u>I.A.No.1 of 2023</u></b></p> <p>Dispense with petition is ordered for the time being.</p> <p style="text-align: right;">_____<br/><b>RC, J</b></p> | Contd...       |

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|  |  | <p style="text-align: center;"><b><u>I.A.No.2 of 2023</u></b></p> <p>Heard.</p> <p>Sri Md.Salem, learned counsel for the petitioner in elaboration contended that the petitioner is the absolute owner of the said property wherein the 6<sup>th</sup> respondent made a representation on 01.09.2022 to the 3<sup>rd</sup> respondent-Joint Collector duly stating that the petitioner has obtained pattadhar passbook and title deed and virtually got entered his name in the land records and requested to cancel the same. On the said representation, the 2<sup>nd</sup> respondent directed the 3<sup>rd</sup> respondent to take action and call for a report from the 5<sup>th</sup> respondent wherein the revenue authorities issued notices dated 24.09.2022 to the petitioner and to the 6<sup>th</sup> respondent directing them to appear for enquiry/hearing on 01.10.2022 along with original records. The petitioner as per the said notice appeared before the 3<sup>rd</sup> respondent and requested time to engage counsel to defend his case. The 3<sup>rd</sup> respondent without giving time for engaging a counsel and without hearing the petitioner passed the impugned orders dated 13.10.2022 cancelling the pattadhar passbook issued in favour of the petitioner. As there is a clear violation of the principles of natural justice, the present Writ Petition has been filed.</p> | Contd... |
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|  |  | <p>He further contended that, the 6<sup>th</sup> respondent, basing on the impugned orders of the Joint Collector, now contemplating to alienate the said property to some third parties. He submitted that the petitioner has a case to contend before this Court in the present Writ Petition. In the meantime, if the 6<sup>th</sup> respondent alienates the subject property to some third parties by taking advantage of the orders impugned, it not only affects the rights of the petitioners but also the third parties interests come into play and prayed to pass appropriate orders protecting the interests of the petitioners.</p> <p>On the other hand, learned Assistant Government Pleader for Revenue submitted that the petitioner having appeared before the Joint Collector, now cannot say that there is violation of principles of natural justice. However, a detailed counter is required to be filed and sought three (03) weeks time to file counter.</p> <p>Perused the record.</p> <p><i>Prima facie</i>, a point has been made out for consideration wherein a detailed counter is required to be invited from the official respondents as well as from the 6<sup>th</sup> respondent.</p> <p>As rightly pointed out by the learned counsel for the petitioner, in the meantime, if the 6<sup>th</sup> respondent alienates the subject property to</p> | Contd... |
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|  |  | <p>some third parties, it not only affects the rights of the petitioner but also third parties interest comes into play. In these circumstances, this Court is inclined to pass the following order:-</p> <p>“An order of <i>status-quo</i> shall be maintained as on today in all issues pursuant to the impugned orders dated 13.10.2022 D.Dis(D2)/870/2022, pending further orders.”</p> <p style="text-align: right;"><hr/><b>RC, J</b></p> <p>RKS</p> |  |
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