

THE HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.32827 of 2017

ORDER:

Heard learned counsel for the petitioners and also learned Government Pleader for Revenue representing respondents 1 to 6 and 9 and by recording offer to file vakalath from instructions by Sri Sheshadri for respondent No.6-Panchayat before ordering notice to unofficial respondents 7 and 8 and perused the prayer in the writ petition with the supporting affidavit and the proceedings of the Commissioner Appeals dated 19.12.2013 which reads as follows:

“The Appeal Petition has been examined and admitted on 21.12.2012. Case was underwent several adjournment and the case was finally called on 07.12.2013. Counsel for Revision Petitioner present. SGP present.

The issue for consideration is whether plots 8, 9 & 10 are reserved for communal purpose orders have been produced to show that plots 8, 9 & 10 were reserved for communal purpose by MRO. However BSO 21(2) (vii) stipulates that layout plans have to be approved by concerned RDO. Apparently this was not done. Records are available at district level which shall clarify the above point.

It is considered that, the ends of justice shall be met by remanding the case to Joint Collector to examine afresh whether plots 8, 9 and 10 are reserved for communal purpose with the approval of RDO and take further action accordingly as per rules and facts. Status quo be maintained till disposal of case by Joint Collector, Prakasam District.”

Once status quo is ordered to be maintained till disposal of the remand matter by the Joint Collector, Prakasam, if at all petitioners from the record are in possession, no further order is required and if at all any specific permission is required for the petitioners they can approach the 4th respondent-Joint Collector to consider but for that,

there is nothing to keep the writ petition pending much less by admitting or ordering notice to unofficial respondents.

Accordingly, the writ petition is disposed of. It is needless to say at this juncture if at all any such application is filed by the petitioners, the 4th respondent can accord any license to perform the so called marriage subject to any terms. No costs.

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

27.09.2017
Note:
CC by tomorrow
(B/o) dv/jsu



Dr. B.SIVA SANKARA RAO J,