

**THE HON'BLE SRI JUSTICE JOYMALYA BAGCHI  
AND  
THE HON'BLE Ms JUSTICE J.UMA DEVI**

**WRIT APPEAL No.246 of 2021**

(Taken up through video conferencing)

**JUDGMENT:** (per Hon'ble Sri Justice Joymalya Bagchi)

Learned counsel appearing for the appellants submits that the land in question had not been assigned to Chepuri Suryanarayana and that the patta issued is not a genuine one. As the predecessor-in-interest of the writ petitioners-respondents did not have any title in the land, the direction for registering the land in favour of the writ petitioners-respondents is liable to be set aside.

Learned counsel appearing for the writ petitioners-respondents submits that such issue had not been raised before the learned single Judge during the hearing of the writ petition.

In reply, learned counsel for the appellants submits that the writ petition was disposed of at the admission stage and no opportunity had been given to them to file counter and place all relevant facts on record.

In view of the aforesaid submission that Chepuri Suryanarayana predecessor-in-interest of the writ petitioners-respondents, had not been allotted the land in question and the D-Form patta is not a genuine document, we consider it to prudent to remand the matter for fresh adjudication before the learned single Judge after giving an opportunity to the respondents to file counter affidavit disclosing all the relevant facts before the learned Judge.

Accordingly, impugned order is set aside and the matter is remanded to the learned single Judge for disposal, in the light of the observations made herein after giving opportunity of filing counter to the respondents and reply thereto, if any, to the writ petitioners-respondents.

With the aforesaid direction, the Writ Appeal is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in consequence.

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**JOYMALYA BAGCHI, J**

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**J.UMA DEVI, J**

Date:31.08.2021  
Gk

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