

IN THE HIGH COURT OF ANDHRA PRADESH: AMARAVATI

**HON'BLE Mr. JUSTICE PRASHANT KUMAR MISHRA, CHIEF JUSTICE
&**

HON'BLE Mr. JUSTICE NINALA JAYASURYA

WRIT APPEAL No.483 of 2023

G. Govindappa @ Kuruba Govindappa, S/o. K. Musalappa, age about 49 years, R/o. Thalupur village, Atmakur Mandal, Anantapuramu District

... Appellant

Versus

N. Parameshwara Reddy, S/o. Sivasankar Reddy, age about 41 years, Occ: Defence Service, R/o. Thalupur village, Atmakur Mandal, Anantapur District, and others

... Respondents

JUDGMENT (ORAL)

Dt.08.05.2023

(Prashant Kumar Mishra, CJ)

Aggrieved and dissatisfied with the order passed by the learned single Judge dated 04.04.2023 disposing of W.P.No.22223 of 2018 directing the writ petitioner to raise all grounds available to him in accordance with law before the Chief Commissioner of Land Administration, A.P. (CCLA), the 7th respondent therein has come up with this appeal under clause 15 of the Letters Patent.

2. The writ petition was preferred by respondent No.1 herein challenging the action of the CCLA entertaining and admitting the revision petition filed by the 7th respondent-appellant.

3. In an appeal before the Revenue Divisional Officer, Anantapur, the patta issued in favour of the writ petitioner was cancelled by an order dated

21.06.2017 against which he preferred revision before the Joint Collector, which was allowed by an order dated 24.11.2017 setting aside the order of the Revenue Divisional Officer. As against the said order of the Joint Collector, an appeal was preferred by the 7th respondent-appellant before the CCLA. It is that proceedings of the appeal before the CCLA, which is challenged in the writ petition on the ground that the 7th respondent-appellant has no locus to prefer appeal before the CCLA.

4. Learned single Judge, while disposing of the writ petition did not record any finding on merits. The only observation made by the learned single Judge is to permit the writ petitioner to raise all his grounds before the CCLA. Even in the absence of any such observation by the learned single Judge, a party to the litigation who is also a party before the CCLA, is entitled to raise all his grounds in the pending appeal.

5. The observations made by the learned single Judge neither affect the 7th respondent-appellant nor can they be said to be finding on merits. Therefore, the order under appeal passed by the learned single Judge would not amount to a judgment within the meaning of clause 15 of the Letters Patent and, therefore, writ appeal is not maintainable.

6. Writ appeal is, accordingly, dismissed. No order as to costs. Pending miscellaneous applications, if any, shall stand closed.

Sd/-

PRASHANT KUMAR MISHRA, CJ

MRR

Sd/-

NINALA JAYASURYA, J