

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.17129 OF 2015

DATED 16th JUNE, 2015

Between:

Shaik Muneer Basha

And others.

.. Petitioners

and

The State of Andhra Pradesh represented by
its Secretary, Revenue Department, Secretariat,
Hyderabad, and others.

.. Respondents

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THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION NO.17129 OF 2015

ORDER

The grievance of the petitioners in this case is as to the inaction of the statutory authority in considering and passing appropriate orders in the stay petition filed by

them in their appeal against the order dated 24.04.2015 passed by the Tahsildar, Nellore Rural Mandal, SPSR Nellore District.

Upon receiving instructions, the learned Assistant Government Pleader informed this Court that the petitioners presented the appeal on 23.05.2015. Owing to Janmabhoomi programme, no steps were taken in respect thereof between 02.06.2015 and 07.06.2015. He states that the stay application filed by the petitioners in their appeal would be taken up on 20.06.2015.

Sri K.Muralidhar Reddy, learned counsel for the petitioners, would however assert that the authorities are acting without application of mind. He relied upon the impugned proceedings dated 24.04.2015 to demonstrate this point. Therein, the Tahsildar, Nellore Rural Mandal, stated that an appeal would lie against the said order within thirty days from the date of issuance of the order.

It is indeed unfortunate that statutory authorities who are clothed with quasi-judicial powers are unmindful of the legal provisions under which they are discharging their functions. Section 4-A of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for brevity, 'the Act of 1977') clearly specifies that an order passed by the Tahsildar under Section 4(1) of the said Act would be appealable within ninety days from the date of receipt of the order. Having exercised powers under Section 4(1) of the said Act, the Tahsildar, Nellore Rural Mandal, surprisingly reduced the statutorily stipulated time for filing an appeal and directed the petitioners to avail the appellate remedy within thirty days from the date of issuance itself.

That apart, this Court is constrained to note that appellate and revisionary authorities are insensitive to the urgency involved in taking up stay petitions in appeals and revisions filed before them respectively and the necessity of passing orders expeditiously upon such applications.

In any event, as the learned Assistant Government Pleader states that the stay application filed by the petitioners in their appeal under Section 4-A of the Act of 1977 would be taken up on 20.06.2015 and as the statutory period for filing such an appeal as per the provisions of Section 4-A is yet to expire, the respondent authorities are directed not to implement or act upon the order dated 24.04.2015 passed by the Tahsildar, Nellore Rural Mandal, SPSR Nellore District, till the passing of appropriate orders by the appellate authority upon the stay application filed by the petitioners. The appellate authority, the Revenue Divisional Officer,

Nellore, SPSR Nellore District, shall endeavour to dispose of the said application in accordance with the due procedure, as expeditiously as possible.

The writ petition is disposed of with the above direction. Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

16th JUNE, 2015

PGS