

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.34268 of 2011

Between:

Vishwambhara Educational Society
Rep. by its Chairman
Sri Chandupatla Janga Reddy

PETITIONER

AND

1. The Revenue Divisional Officer, Warangal, and another.

RESPONDENTS

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Revenue (A.P.) for respondents and with their consent the writ petition itself is taken up for disposal.

This writ petition came to be filed for issuance of writ of Mandamus declaring the order passed in Proceedings No.F/D/2548/2010 dated 21.11.2011 by the 1st respondent in dismissing the stay petition in the appeal filed against the order passed by the 2nd respondent in proceedings No.B5768/2001 dated 4.08.2011 in resuming the land of the petitioner-society situated in Sy.No.509 situated in Bollikunta Village, Sangem Mandal, Warangal, as arbitrary and illegal.

The brief facts of the case are that the petitioner-society is running educational institutions in and around Warangal District. The petitioner purchased patta lands in Sy.No.500, 501 and etc., and constructed buildings after obtaining necessary permissions. It acquired the adjacent land in Sy.No.509 situated at Bollikunta Village for the purpose of physical activity of the students. While so, on 20.07.2011 the 2nd respondent issued show cause notice under Rule 3 of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 on the ground that the petitioner-society is in the possession of assigned land. In response to the said notice the petitioner submitted explanation on 03.08.2011 denying the allegations made therein. Without considering the said explanation the 2nd respondent passed order vide proceedings No.B/5768/2011 dated 04.08.2011 resuming the land in Sy.No.509. Challenging the same, the petitioner preferred an appeal before the 1st respondent. Along with the

appeal a stay petition was also filed. The 1st respondent by order dated 21.11.2011 dismissed the said stay petition without assigning any reasons. Aggrieved by the same, the present writ petition is filed.

The learned counsel for the petitioner after arguing elaborately fairly submits that a direction may be issued to the 1st respondent-appellate authority to dispose of the appeal pending before him at the earliest.

Learned Government Pleader submits that he has no objection for issuance of such direction.

The fact that the appeal is still pending before the 1st respondent is not disputed by both the parties. Without going into the merits of the case, and having regard to the circumstances, the writ petition is disposed of by directing the 1st respondent-Revenue Divisional Officer to dispose of the appeal filed by the petitioner in proceedings No.F/D/2548/2010, dated 21.11.2011, in accordance with law within a period of eight weeks from the date of receipt a copy of this order.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

JUSTICE C. PRAVEEN KUMAR

13th July, 2015
Js.