

**HONOURABLE SRI JUSTICE CHALLA KODANDA RAM**

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**WRIT PETITION No.3299 OF 2015**

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**ORDER:**

This writ petition is filed by the petitioner seeking to declare the action of respondent No.2 in not disposing the E.P.No.2 of 2014 in O.S.No.289, as illegal and arbitrary.

It is the case of the petitioner that he belongs to Schedule Tribe community and residing in agency area of Tanikella village of Konijerla Mandal, Khammam District. He filed a suit bearing No.O.S.No.289 of 2008 against one Nagabandi Narayana Rao for recovery of Rs.4,82,600/- along with interest on the file of learned Senior Civil Judge Court at Khammam and the same was decreed on 24.11.2008. He further submits that he got attached the immovable property of the said Nagabandi Narayana Rao vide orders dated 12.09.2008 in I.A.No.1472 of 2008. He further submits that during the pendency of E.P.No.1677 of 2009 before the learned Principal Senior Civil Judge at Kothagudem for transfer of decree for execution, some third parties filed E.A.No.826 of 2009 at the stage of adducing further evidence of respondent. However, Hon'ble Supreme Court passed a Judgment in Civil Appeal Nos.5030 to 5038 of 2004 observing that the Civil Courts have no jurisdiction over the agency areas. Accordingly, he filed E.A.No.105 of 2013 on the file of Prl. Senior Civil Judge Court at Kothagudem seeking to return the E.P. for proper presentation before the 2<sup>nd</sup> respondent-District Collector/Judge for Agency Court, Khammam, and the same was returned on 12.06.2013. Accordingly, he filed the same before the 2<sup>nd</sup> respondent on 11.09.2013 and the same was numbered as E.P.No.2 of 2014 in O.S.No.289 of 2008. It is further stated that in spite of his representation on 27.01.2014 for speedy disposal of the said E.P., no action has been taken by the 2<sup>nd</sup> respondent so far.

Heard both sides.

Considering the fact that the E.P. schedule property is a daba house bearing H.No.9-63/2 situated in agency area i.e., at Laxmi Devipalli (V) of Kothagudem Mandal, Khammam District, the E.P.No.2 of 2014 in O.S.No.289 of 2008 shall come under the jurisdiction of the 2<sup>nd</sup> respondent-District Collector/Judge for Agency Court, Khammam, and also considering the fact that six years of time has already been elapsed from the date of passing of decree in O.S.No.289 of 2008, it is appropriate to direct the 2<sup>nd</sup> respondent to dispose of the E.P.No.2 of 2014 in O.S.No.289 of 2008, as expeditiously as possible and not later than six months from the date of receipt of copy of this order.

With the above observation, the writ petition is disposed of. No order as to costs. Miscellaneous Petitions, if any pending in this writ petition shall stand closed.

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**JUSTICE CHALLA KODANDA RAM**

**Date:02.03.2015**

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