

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.1393 OF 2015

ORDER:

Challenging the inaction of the 2nd respondent in deciding the appeal in S.R.A.No.18 of 1981 pending on its file, this writ petition is filed by the petitioner.

The grievance of the petitioner is that her predecessors along with the predecessors of 11 others had occupied the Government land over an extent of Ac.1.00 cents each in Sy.No.869 of Setappagudem Revenue Village in Buttaigudem Mandal, West Godavari District about 30 years ago and since then they have been cultivating the same and eking out their livelihood. While so, the petitioner and other similar land holders jointly submitted an application on 22.4.2014 to the 2nd respondent and also to the Tahsildar, Buttaigudem Mandal, West Godavari District, requesting to grant 'D-Form' pattas by way of assignment of the aforesaid land in their favour. Thereafter in the month of May, 2014, the petitioner approached the 2nd respondent and requested him to consider and decide the application, but the 2nd respondent did not choose to consider the request of the petitioner. Thereafter, the petitioner along with others filed a writ petition in W.P.No.16957 of 2014 before this Court to declare the action of the respondents 1 to 3 therein for not taking up the application of the petitioner and others dated 22.4.2014 for assignment of Ac.1.00 cents each in their favour out of the land covered by Sy.No.869 of Seetappagudem Revenue Village, Buttaigudem Mandal, West Godavari District, as illegal and violation of the provisions of A.P. Board of Revenue Standing Order-15. The said writ petition was disposed of by this Court by an order dated 5.8.2014,

giving liberty to the petitioner and others to take appropriate steps in accordance with law for vacation of the status quo order dated 10.09.1987 passed by this Court while disposing of W.P.No.1766 of 1983. It is stated that even though 24 years have been elapsed, the 2nd respondent is not taking any steps to dispose of the appeal in S.R.A.No.18 of 1981 and keeping the appeal pending. Hence, the petitioner filed the present writ petition.

When the matter has come up for hearing, the learned Assistant Government Pleader for Revenue was directed to obtain instructions with regard to the status of the appeal filed by the petitioner and others. On behalf of the 3rd respondent, Sri S.V. Muni Reddy, Advocate filed Vakalat. The District Collector, West Godavari District had furnished status of the case which reveal that the earlier order dated 05.02.1983 passed by the predecessor of the 2nd respondent in S.R.A.No.18 of 1981 was set aside by this Court by an order dated 10.09.1987 in W.P.No.1766 of 1983 by directing the status quo obtained as on 09.03.1983 to be maintained. Thereafter the case was listed for hearing on 18.01.1988, 25.01.1988, 08.02.1988 and 22.02.1988 and lastly the case was heard on 21.03.1988 and thereafter there is no representation on behalf of the appellant-3rd respondent. As the parties had not shown any interest, the matter was not taken up for hearing.

Though the present incumbent office cannot be found fault for not taking up the appeal, it does not auger well for the office of the 2nd respondent to have not decided the appeal for a period of more than two decades. It is need less to remind the incumbent in the 2nd respondent's office that the 2nd respondent is required to discharge a quasi judicial function determining the valuable rights of the parties. In

a given case, if one or the other parties are not cooperating for disposal of the matter, the 2nd respondent simply cannot say that the parties are not cooperating and wash up its hands by merely stating that the parties have not been pursuing the matter. Being a statutory authority conferred with quasi judicial functions, they are required to pass orders on merits even if the parties to the litigation do not cooperate with them as otherwise they would be failing in their duty in discharging the functions entrusted to them by the statute.

In the facts of the present case, it is not in dispute that the appeal came to be filed by the 3rd respondent in 1981 and this Court permitted the 3rd respondent to file the material and adduce evidence if any against the order passed by the first respondent. It is obvious that taking advantage of the status quo order which has been granted by this Court while disposing of the writ petition, the 3rd respondent is not pursuing the appeal which has been filed in the year 1981. The first respondent may keep in mind that the petitioner was beneficiary of the order passed in his favour on 15.5.1978. Whatever may be the reason, in the facts of the case, the 2nd respondent shall take up the appeal filed by the petitioner and others, as expeditiously as possible and pass appropriate orders in S.R.A.No.18 of 1981 in accordance with law within a period of eight weeks from today. The petitioner as well as the 3rd respondent shall approach the 2nd respondent's office and obtain the date of hearing and cooperate with the 2nd respondent in disposing of the appeal.

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

CHALLA KODANDA RAM,J

Date:04.03.2015.

Gk.

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