

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.8288 of 2015

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Between:

Gadda Sukkaiah

PETITIONER

AND

1. State of Telangana, rep. by its Principal Secretary, Revenue Department,
Secretariat, Hyderabad, and another.

RESPONDENTS

ORDER:

The petitioner is a joint protected tenant along with others in respect of lands situated in Sy.No.35 to 37, 40, 42-47, 51-53 of Gachibowli Village, Serilingampally Mandal, Ranga Reddy District. Initially ownership certificates under Section 38-E of the Act were granted in respect of land admeasuring Ac.73.03 gts and the rest of the extent Ac.84.00 gts., an application was filed by the protected tenants on 19.08.1996 for grant of certificates under Sections 38-A and 38-B of the Act. The said application

was allowed on 28.04.2001 by the 3rd respondent. Against the said order, the purchasers from M/s.Kastopa Corporation filed appeal and the same was allowed by setting aside the order of the 3rd respondent. Aggrieved by the same, the petitioner and others filed C.R.P.No.6708 of 2003 and the 1st respondent herein filed C.,R.P.No.1200 of 2003. This Court allowed the said revision petitions on 7.10.2005 setting aside the order of the 2nd respondent, as against which, purchasers from M/s. Kastopa Corporation and the State filed Civil Appeals before the Hon'ble Supreme Court of India and vide order dated 07.12.2010 the order of this Court dated 7.10.2005 was set aside and the matter was remitted back to this Court for fresh consideration. Pursuant to the said remand, vide order dated 25.02.2013 this Court remanded the matter to the 3rd respondent for fresh consideration. Pursuant to the said remand, the 3rd respondent in Case No.G/2690/2013 dated 15.10.2013 held that the protected tenants are entitled fro grant of ownership certificates under Section 38-E of the Act, and the sale deeds executed in favour of the purchasers from M/s. Kastopa Corporation are violative of Section 38-D of the Act and have no effect on the rights of the protected tenants. Against the said order dated 125.10.2013 the purchasers from M/s. Kastopa Corporation have filed different set of Appeals vide appeal Nos.F2/5409/2013, F2/6066/2013 and F2/5886/2013 and batch before the 2nd respondent-Joint Collector under Section 90 of the Act. The grievance of the petitioner is that the 2nd respondent, for the best reasons known to him, has not chosen to dispose of the appeals so far. Hence, the present writ petition is filed seeking appropriate directions.

The learned Government Pleader for Revenue appearing for the respondents, on instructions, has submitted that the Joint Collector, who is the present incumbent, undertakes to dispose of the appeals within a period of three months from today after issuing notice and giving an opportunity of being heard to the petitioner.

In view of the specific submission made by the learned Government Pleader for Revenue, this Court is inclined to dispose of the writ petition with the following direction:

“The 2nd respondent-Joint Collector is directed to consider and dispose of the appeals said to have been preferred by the petitioner, in accordance with law, within a period of three months from today after issuing notice and affording an opportunity to the petitioner to put forth his version.”

With the above direction, the writ petition is disposed of. No order as to costs.
As a sequel to the disposal of the writ petition, Miscellaneous Petitions, if any
pending, shall stand closed.

CHALLA KODANDA RAM, J.

30th March, 2015

Js.