

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.4089 of 2015

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Between:

1. Syed Majeed and others

PETITIONERS

AND

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

RESPONDENTS

ORDER:

This writ petition is filed to declare the action of the 2nd respondent in not disposing of the appeal bearing No.F/1244/2013 filed against the orders passed by the 3rd respondent dated 28.08.2009 in Case No.E2/6443/2004 as illegal and arbitrary and consequently to direct the 2nd respondent to pass orders on the stay application and later to dispose of the same.

Originally Syed Raja, who is the elder son of the first Inamdar Syed Yakub is having three daughters, viz., Ammena Bee, Shareefa Bee and Mariam Bee. The petitioners herein are the successors of the above daughters of Syed Raja. The share of Syed Raja to an extent of Ac.17.31 gts., out of the total extent of Ac.74.08 gts., situated at Koulas Village of Jukkal Mandal, Nizamabad District, was already transferred in the name of one of his daughters Shareef Bee during his life time. The 4th respondent herein and others by misrepresenting the fact that Syed Raja died issueless filed a case No.E2/6443/2004 before the 3rd respondent. The 3rd respondent by order dated 28.08.2009 without conducting any enquiry simply relying on the representation sanctioned succession in favour of the 4th respondent and others. Against the said order, the petitioners preferred an appeal before the 2nd respondent along with an application for stay of implementation of the order of the 3rd respondent. Though the appeal was filed in the month of April, 2013, except numbering the appeal the 2nd respondent neither passed any orders in the stay application nor in the main appeal. Hence the present writ petition is filed.

Heard learned counsel for the petitioners and learned Assistant Government Pleader for Revenue (Telangana) for respondents.

This Court issued notice before admission on 24.02.2015 while directing the learned Assistant Government Pleader to get instructions in the matter.

Admittedly, against the orders of the 3rd respondent the petitioners availed the alternative remedy of appeal before the 2nd respondent by filing an appeal under Section 11(1)(a) of A.P. (Telangana Area Atiyath Enquiries) Act, 1952 along with an application for stay of implementation of the order of the 3rd respondent. Though the said appeal has been filed as long back as in the year 2013, the 2nd respondent did not pass any orders till today. Therefore, ends of justice would be met if a direction is given to the 2nd respondent to pass appropriate orders either in the stay petition or in the main appeal itself within a time frame.

Accordingly the writ petition is disposed of directing the 2nd respondent to pass appropriate orders either in the stay petition or in the appeal filed by the petitioners in Case No.F/1244/2013 in accordance with law, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order. No costs. As a sequel, miscellaneous petitions, if any, shall stand closed.

CHALLA KODANDA RAM, J.

18th March, 2015
Js.