

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA
PRADESH

* * *

WRIT PETITION Nos. 28758 AND 28777 of 2014

BETWEEN

Muddu Appalakonda & Another

... PETITIONERS

AND

The Principal Secretary, Revenue Department and others

...RESPONDENTS

Date of Order pronounced: 29.10.2015

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? | Yes/No |
| 3. Whether his Lordship wish to see the
fair copy of the Judgment? | Yes/No |

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COMMON ORDER:-

The petitioners in these writ petitions are aggrieved by the inaction on the part of the fifth respondent in entertaining the appeals filed by the petitioners viz., R.P.Nos.19/2014/A and 20/2014/A respectively. Petitioners in these writ petitions question the order of the Settlement Commissioner in the

respective appeals on various grounds. Learned counsel for the petitioners also has raised several contentions questioning the said order of the Settlement Commissioner and justifies these writ petitions on the ground that the appellate remedy has become wholly inefficacious as no date of hearing is given in the said appeals and that no officer is posted as Director of Settlement and thereby petitioners are unable to proceed with the said appeals.

2. Learned Government Pleader, however, on instructions submits that recently an officer is posted as Director of Settlement on 07.09.2015 and is functioning since 07.09.2015.

3. Petitioners' appeals, referred to above, undoubtedly are filed on 24.07.2014 and it is imperative that the appellate authority fixes an early date for hearing of the appeals, hears the petitioners, and if necessary, the appellate authority will also have to get the records of the case from the Settlement Commissioner and re-examine the matter afresh.

4. Learned counsel for the petitioners states that the petitioners have already filed appropriate application for interim relief along with the appeals and at least to that extent early orders be passed by the fifth respondent. Learned counsel further submits that since the order of the Settlement Commissioner was passed as early as on 01.07.2014, petitioners apprehend that they will be dispossessed from the lands in view of the said order without having regard to the pendency of the appeals before the fifth respondent.

5. These writ petitions are therefore disposed of directing the fifth respondent to fix an early date for hearing the said appeals, call for records, hear all the parties after giving due notice, and decide the matter by passing a reasoned order. Petitioners are free to agitate all their contentions of law and questions of fact, which they seek to urge before the appellate authority. As and when the date of hearing is intimated to them, they shall appear before the appellate authority and make their submissions accordingly. It is further directed that the respondents shall maintain *status quo*, as existing as on today, for a period of four weeks within which time petitioners shall move

the fifth respondent in the appeals and request the appellate authority to pass appropriate orders on the interim applications filed by them in the aforesaid appeals, if they so desire.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

October 29, 2015
LMV