

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

WRIT PETITION NO. 11012 OF 2015

Between:

Siddavatam Subrahmanyam & Anr. ... Petitioners

V/s.

The State of Andhra Pradesh
Represented by its Prl.Secretary
Social Welfare Development
Secretariat Buildings, Hyderabad & Ors. ... Respondents

DATE OF JUDGMENT PRONOUNCED : 24/07/2015

SUBMITTED FOR APPROVAL

HONOURABLE SRI JUSTICE A.V. SESA SAI

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|--|--------|
| 1. Whether Reports of Local Newspapers
May be allowed to see the judgment ? | 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 |

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

FRIDAY THE TWENTYFOURTH DAY OF JULY
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE A.V. SESA SAI

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Counsel for the Petitioners: Sri K.Ramamohan Mahadeva

Counsel for the Respondents: GP for Social Welfare [AP]
GP for Revenue [AP]

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 11012 OF 2015

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ORDER:

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This writ petition is filed under Article 226 of the
Constitution of India for the following relief :

To declare the action of first respondent in not granting stay pending appeal and keeping stay petition in appeal pending for the last one year as illegal and issuing the proceedings Memo No. 2637/CV.1/2014, dated 11/03/2015 as illegal, improper, unjust and further to declare the impugned proceedings on the second respondent in RC.C-5 [M]/2257/2010 dated 29/01/2014 as illegal, improper, unjust and contrary to law and to pass such other suitable orders as this court may deem fit and proper in the circumstances of the case.

2. Heard Ms. Kiran Mayee, learned counsel representing

Sri K.Ramamohan Mahadeva, learned counsel for the petitioners and learned Government Pleaders for Social Welfare and Revenue for the respondents. Perused the material placed before the court.

3. The Collector and District Magistrate, who is the second respondent herein vide Proceedings RC.C-5(M)/2257/2010 dated 29/01/2014 cancelled the caste certificates issued in favour of the petitioners herein under the provisions of A.P. [SC, ST & BCs] issue of Community, Nativity and Date of Birth Certificates Act, 1993. Aggrieved by the said orders of cancellation passed by the

second respondent herein, the petitioners preferred appeal on 20/02/2014 under section 7 of the Act. Along with the said appeal, the petitioners herein also filed an application to suspend the impugned proceedings.

4. Earlier the petitioners herein filed WP.No. 12075 of 2014 before this court, complaining inaction on the part of first respondent in passing any orders on the stay application. This Court by way of an order dated 21/04/2014 disposed of the said writ petition giving liberty to the petitioners to approach respondent by making a fresh request for grant of interim relief.

5. Pursuant to the said order passed by this Court, the petitioners herein filed miscellaneous application before first respondent, renewing their request for suspension of operation of the impugned proceedings on 30/04/2014. During the course of hearing, it is submitted by the counsel for the petitioners that pursuant to the orders of this Court dated 21/04/2014 petitioners appeared before the first respondent appellate authority on 11/03/2015 and despite the same, no orders are passed neither on the stay application nor on the miscellaneous application or in the main appeal filed by the petitioners. It is further submitted by the

learned counsel for the petitioners that in view of absence of any stay granted by the first respondent on the complaint of fifth respondent Tahsildar, Nellore, the Station House Officer, III-Town Police Station, SPSR Nellore district registered Crime No. 302 of 2014. It is also submitted by the learned counsel for the petitioners that the first petitioner herein is a retired Medical Officer and the second petitioner herein is presently working as Secondary Grade Teacher in MPP School, Pallipadu, SPSR Nellore district. It is also submitted by the learned counsel for the petitioners that in view of the above reasons, the petitioners herein are put to hardship and are made to run from pillar to post. There is absolutely no dispute that the petitioners herein filed an appeal before first respondent herein against the orders of District Collector, dated 29/01/2014. It is also to be noted that along with the said appeal the petitioners herein filed miscellaneous petition seeking suspension of the orders passed by the District Collector, SPSR Nellore. Pursuant to the orders of this Court in WP.No. 12075 of 2014, the petitioners herein once again filed miscellaneous petition on 30/04/2014 before the first respondent seeking suspension of the orders passed by the District Collector

cancelling the caste certificates of the petitioners herein. But till date, no orders have been passed either on miscellaneous application or in the main appeal filed by the petitioners herein. In these circumstances, the court finds no justification on the part of first respondent in not passing any orders on the same. Taking into consideration the totality of the circumstances and the nature of controversy, this Court is of the considered view that ends of justice would be met if a direction is given to the first respondent to dispose of the main appeal against the cancellation orders by fixing some time frame.

6. For the aforesaid reasons, the writ petition is disposed of, directing the first respondent herein to pass appropriate orders on the appeal dated 20/02/2014 filed by the petitioners herein against the orders passed by the District Collector, SPSR Nellore vide proceedings RC.C-5 [M]/2257/2010, dated 29/01/2014 within a period of three months from the date of receipt of a copy of this order and till such exercise attains finality, there shall not be any coercive action against the petitioners herein. No costs.

7. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

JUSTICE A.V.SESHA SAI

24/07/2015
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HONOURABLE SRI JUSTICE A.V. SESA SAI

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