

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 11328 of 2015

DATED 21st APRIL, 2015.

BETWEEN

Bhetanabatla Srinivas Hanumantha Ramaswamy

....Petitioner

And

The State of Telangana, rep. by its

Principal Secretary, Revenue (Assignment) Department,

Secretariat, Hyderabad and ors.

....Respondents.

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 11328 of 2015

ORDER:

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Heard the learned Counsel for the petitioner and learned Government Pleader for Revenue appearing for the respondents.

The petitioner claimed to have purchased the land to an extent of Ac.1.26 guntas in Sy.No.93 of Gurrekunta village, Geesugonda Mandal, Warangal District under a sale deed dated 5.8.1978. After getting the sale deed validated, he was issued with Pattadar Passbook and title deed in respect of the said land. Thereafter, third respondent through proceedings dated 28.4.2009 declared the petitioner as owner of the said land. While the things stood thus, third respondent issued notice dated 15.09.2012 stating that the subject land is an assigned land and purchase of the same is in violation of Section 3(2) of the A.P. Assigned Lands (prohibition of Transfers) Act, 1977. Pursuant to the said notice, the petitioner submitted his explanation on 20.10.2012. However, the third respondent passed order dated 22.09.2014 in Proceedings No.B/2143/2012 resuming the subject land to the Government. Aggrieved by the same, the petitioner filed statutory appeal under Section 4-A of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 before the second respondent on 12.12.2014. Along with the said appeal, he also filed an application seeking suspension of the order dated 22.09.2014 of the third respondent pending disposal of the appeal. Now the grievance of the petitioner is that the second respondent is not passing any orders on the stay petition.

Pertinent to state, a duty and statutory obligation is cast on the competent appellate authority to consider and dispose of the appeal filed by the aggrieved person, on merits, within reasonable time, if the same is otherwise in order. In the present case, though four months have elapsed, the appellate authority-second respondent has not taken steps to dispose of the appeal or stay petition. Having heard the learned Counsel on either side and considering the material available on record, I deem it appropriate to dispose of the Writ Petition directing the second respondent to consider and dispose of either the appeal itself filed by the petitioner against the order of the third respondent dated 22.09.2014 or pass appropriate orders on the stay petition pending disposal of the appeal, in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

Subject to the above direction, the Writ Petition is disposed of at the admission stage.

Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

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JUSTICE CHALLA KODANDA RAM

Dated 21st April, 2015

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