

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.19463 of 2011

ORDER:

Heard learned counsel for the petitioners and the learned counsel for the respondents. With the consent of both the parties, the writ petition is disposed of at the admission stage.

The present writ petition is filed to declare the inaction of 2nd respondent in considering and disposing the case of the petitioners, which was remanded by an order dated 06-09-2003 in Appeal No.F1/7249/2002 by the 1st respondent as illegal and arbitrary.

The averments in the writ petition are as under:

Originally the grand father of the petitioners by name Vadla Muthaiah and one Vadla Venkaiah were in possession and enjoyment of the land admeasuring Ac.01-04 guntas in survey No.23 situated at Yapral Village, Malkajgiri Mandal, Ranga Reddy District from 1954 as Inamdar and pattadar of the said land. The said Vadla Muthaiah had two sons namely Vadla Veeraiah and Vadla Sathaiah. The petitioners are the sons of Vadla Sathaiah and the respondents 3 to 5 are the sons of Vadla Veeraiah. The Vadla Venkaiah had a son by name Vadla Ramaiah and the respondents 6 and 7 are the sons of said Ramaiah. It is stated that the 3rd respondent sold out Ac.0-08 cents of land from the land which fell to the share of father of the petitioners, under unregistered sale deed dated 24-04-1976. Respondents 6 and 7 mortgaged their share of land to the father of the petitioners by taking a sum of Rs.1,000/-and executed a document dated 22-04-1975. It is stated that respondents 6 and 7 neither repaid the amount nor got released their share of land from the mortgage. The then Tahsildar, Vallabhnagar Taluka issued pattadar passbook in favour of the father of the

petitioners and since then, they are in possession and enjoyment of the said land. In the year 2002, the respondents 3 to 7 tried to interfere with their possession and enjoyment of the said land stating that the 2nd respondent issued 'Occupancy Rights Certificate' (O.R.C.) in their favour vide proceedings dated 23-10-2001 in case No.L/2658/2000. On that an appeal came to be filed before the 1st respondent under Section 24 (1) of the A.P. (Telangana Area) Abolition of Inams Act, 1955 along with an interlocutory application seeking stay of the order passed by the 2nd respondent. It is stated that when the 1st respondent failed to consider the interlocutory application, the petitioners filed W.P.No.24006 of 2002 before this Court. By an order dated 02-12-2002, this Court disposed of the said writ petition directing the 1st respondent to dispose of the appeal or stay petition within a period of two weeks. In pursuance of the said order, the 1st respondent granted an interim order on 04-01-2003 directing both the parties to maintain 'status quo'. Thereafter, the 1st respondent passed an order on 06-09-2003 in Appeal Case No.F1/7249/2002 by setting aside the order passed by the 2nd respondent and remanded the matter back to the lower court for denovo enquiry directing the 2nd respondent to pass order, in accordance with law, after issuing notices to the interested parties, who are in possession of the land as on 01-11-1973. Though the case was remanded back to the 2nd respondent on 06-09-2003, the 2nd respondent failed to dispose of the said matter till date. It is stated that as the respondents 3 to 7 have been trying to alienate the said land in favour of third parties taking advantage of the O.R.C., the present writ petition came to be filed.

Learned counsel for the petitioners mainly submits that though the appeal was remanded to the 2nd respondent (Revenue Divisional Officer) by the Joint Collector in the year 2003, the same is still

pending consideration.

Having regard to the above, the writ petition is disposed of by directing the 2nd respondent to dispose of the appeal filed by the petitioners, if the same is still pending consideration, within a period of eight weeks from the date of receipt of copy of the order. As a sequel thereto, Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand closed.

**JUSTICE C. PRAVEEN
KUMAR**

20-07-2015

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