

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 11072 of 2015

DATED 20th APRIL, 2015.

BETWEEN

Mohammed Nazeer Mohiuddin

...Petitioner

And

The State of Telangana, rep. by its

Principal Secretary (Revenue),

Secretariat, Hyderabad and ors.

...Respondents.

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 11072 of 2015

ORDER:

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Assailing the action of the second respondent-Agency Divisional Officer & Revenue Divisional Officer, Kothagudem in not disposing of suit in O.S.No.16 of 1980, the present Writ Petition is filed.

It is the case of the petitioner that suit in O.S.No.16 of 1980 is pending adjudication before the second respondent and the same is not being disposed of despite passage of 35 years. A copy of the status report dated 04.04.2015 is annexed to the Writ petition as a material document. The relevant portion of the said report reads as under:

“Status of the case: This is a long pending case filed in the year 1980. This case was reserved for orders twice (27.10.2003 & 24.05.2004) previously after completion of evidences and arguments of both sides. But orders were not pronounced by the then RDOs and reopened the case twice previously (28.04.2004 & 06.02.2007). The case is at the stage of filing of reply arguments by the AGP on behalf of respondents. Now on filing of petition by the counsel of petitioner, notices were issued to both parties. For re-hearing/filing of reply, arguments by defendants (AGP).”

A perusal of the above status report indicates that the suit is pending for one reason or the other, for the last 35 years. Whatever be the reasons stated in the status report, there is no justification for the authorities to keep the case pending without passing orders for the long period of 35 years. This reflects the ability of the officer-in-charge and discharge of non-entrustment of judicial functions to the executive officers who are lacking on their own and who are also burdened with administrative work. However, this case having not raised the said issue, though, it requires consideration the ability of discharging/entrusting of judicial functions to the executive officers, refrained from making any further observation in that regard. Considering the admitted facts and circumstances of the case, and that the suit is of the year 1980, which is presently at the stage of arguments, the second respondent is directed to complete hearing of the suit and pass appropriate orders, on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order, without fail. In this regard, it is made clear that both parties to the suit shall extend their cooperation for disposal of the suit and, in the event of any party to the suit is not coming forward to go ahead with the suit, the second respondent is at liberty to pass appropriate orders based on the material available on record.

Subject to the above observations, 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.

JUSTICE CHALLA KODANDA RAM

DATED 20TH APRIL, 2015.

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