

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

WRIT PETITION No.15981 of 2016

ORDER :

This writ petition is filed under Article 226 of the Constitution of India seeking *Mandamus* :

- (a) declaring the action of the 3rd respondent herein in not disposing the appeal No.B2/2600/2016 filed on 09.02.2016, and in not passing any orders in the application for interim suspension of the orders of the 4th respondent, passed in C/1292/2005, dated 18.01.2016 as illegal, arbitrary and contrary to law;
- (b) further declare the orders of the 4th respondent dated 18.01.2016 passed in Proc.No.C/1292/2005 as arbitrary, illegal, mechanical, contrary to law and without jurisdiction and contrary to provisions in and A.P. Rights in Lands and Pattadar Pass Book Act, 1971 and set aside the same;
- (c) consequently to direct the respondents and more particularly the officials of the 4th respondent and his staff not to take any coercive steps against the writ petitioner with respect to the possession and enjoyment of the lands admeasuring Acs.5.16 guntas in Sy.No.195 situated in Gowrelly Village of Hayathnagar Mandal of Ranga Reddy District; and
- (d) pass such other order or orders as deemed fit and just in the circumstances of the case.

Simultaneously, WPMP.No.19763 of 2016 in W.P.No.15981 of 2016 is also filed seeking to stay all further proceedings in pursuance of orders dated 18.01.2016 in C/1292/2005 passed by

the 4th respondent, by further consequently directing the respondents and more particularly the 4th respondent and his staff not to take any coercive steps against the writ petitioner with respect to the possession and enjoyment of the lands admeasuring Acs.5.16 guntas in Sy.No.195 situated in Gowrelly Village of Hayathnagar Mandal of Ranga Reddy District, pending disposal of the writ petition.

Learned counsel for the petitioner has taken this Court to various previous proceedings initiated by the petitioner and the order dated 17.03.2010 in Procg.No.E4/7564/2008 passed by the Joint Collector, Ranga Reddy District, in revision, setting aside the order dated 28.01.2007 in File No.C1/1292/2005 passed by the 4th respondent – Tahsildar, Hayathnagar Mandal, as confirmed by the 3rd respondent –Ranga Reddy East Division, by order dated 01.09.2008 in File No.B1/2167/2008, specifically making a mention that the subject land is a patta land originally belonging to one Chenchu Mysaiah and an observation was also made to the effect that the said order does not preclude the Tahsildar, Hayathnagar from initiating action under the POT Act on the basis of valid material evidence, if any, noticed on verification of his office records.

Learned counsel for the petitioner submits that though, an appeal is preferred by the petitioner before the 3rd respondent – Revenue Divisional Officer, no action has been taken by him for early disposal of the said appeal. Hence, the present writ petition.

The learned Government Pleader for Revenue, on

instructions, would submit that pursuant to the order passed by the 4th respondent, possession of the subject land was already taken on 22.04.2016. He would further submit that the petitioner when moved this Court by filing W.P.No.2311 of 2016, this Court, by order dated 28.01.2016, dismissed the writ petition granting liberty to the petitioner to seek appropriate remedy. Therefore, learned counsel for the petitioner requests that a direction be given to the 3rd respondent to dispose of the appeal filed by the petitioner within a time frame.

The learned Government Pleader for Revenue would submit that he has no objection for fixing time for disposal of the appeal.

Keeping in view, the aforesaid submissions of both the learned counsel, the 3rd respondent – Revenue Divisional Officer is directed to dispose of the appeal filed by the petitioner in accordance with law, within a period of one month from the date of receipt of a copy of this order. The petitioner is at liberty to move an application seeking interim relief in the said appeal, if she so chooses.

Accordingly, this writ petition is disposed of. No order as to costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE A. SHANKAR NARAYANA

06.05.2016.

Msr

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