

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.39796 OF 2016

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking to declare the inaction of the 3rd respondent in considering and disposing of either the appeal or the stay application filed by the petitioner, as illegal and arbitrary.

Heard the learned counsel for the petitioner as well as the learned Assistant Government Pleader for Revenue for respondents. With their consent, the writ petition is disposed of at the stage of admission itself.

The limited grievance of the petitioner in this writ petition is that though he filed an appeal vide Appeal No.3 of 2015 along with interlocutory applications in the year 2015 before the 3rd respondent challenging the Proceedings No.A.445/2011 passed on 26.11.2011 by the 4th respondent-Tahasildar, till date no orders are passed thereon.

Learned AGP would submit that since the appeal is filed in the year 2015, a suitable direction may be given to the 3rd respondent to dispose of the appeal, in accordance with law.

Having considered the rival submissions made, the writ petition is disposed of directing the 3rd respondent-Revenue Divisional Officer to dispose of the appeal filed by the petitioner vide Appeal No.3 of 2015, in accordance with law, after hearing the

petitioner and other aggrieved persons, if any, as early as possible. However, if the 3rd respondent is not in a position to hear and dispose of the appeal, he may take up the stay application and dispose of the same in accordance with law within a period of three weeks from the date of receipt of a copy of this order.

Miscellaneous petitions pending in this writ petition, if any, shall stand closed. No order as to costs.

C. PRAVEEN KUMAR, J

Date: 18.11.2016
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