

THE HON'BLE SRI JUSTICE SANJAY KUMAR

-

WRIT PETITION No.8022 of 2016

ORDER:

The prayer of the petitioners in this case is as under:

“For the reasons stated in the accompanying affidavit the petitioners prayed that this Hon’ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring inaction on the part of 2nd respondent on the petitioners stay petition and appeal filed against an order dated 29.12.2015 in S.R.No.174 and 175 of 2015 from the file of the Special Deputy Collector (FAC) Tribal Welfare, Polavaram, West Godavari District as illegal, irregular, irrational amounts to non discharge of legal obligation conferred on 2nd respondent under provisions of Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1 of 1959 as amended by Regulation 1 of 1970 and offends Article 14 of the Constitution of India and consequently direct the 2nd respondent to decide the appeal along with stay petition expeditiously in the interests of justice and pass such other orders or order as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

The petitioners filed appeal on 19.01.2016 before the Agent to the Government (District Collector), West Godavari District, against the order dated 29.12.2015 in S.R.Nos.174 and 175 of 2015 on the file of Special Deputy Collector (FAC) (Tribal Welfare), Polavaram. Their grievance presently is that the appellate authority is not taking up their stay petition in the said appeal.

Sri K.Srinivas Murthy, learned counsel, informed this Court that he filed a caveat on behalf of the petitioners in S.R.No.174 and 175 of 2015 before the primary authority, but his clients were not made parties to this writ petition. Learned counsel would further state that the appellate authority has already disposed of the appeal filed by the petitioners. A copy of the order dated 06.02.2016 passed by the Agent to the Government (District Collector), West Godavari District, Eluru, in S.R.A.No.2/2016/F2, is placed on record.

By the said order, the appellate authority remanded the matter to the primary authority for disposal on merits giving opportunity to the appellants. A time frame was also fixed for disposal. In the body of

the order, the appellate authority mentioned the case numbers correctly as S.R.Nos.174 and 175 of 2015, but the date of the order passed therein was wrongly mentioned as '02.12.2015' instead of '29.12.2015'. However, as it is clear that the appellate authority has already disposed of the appeal, the grievance of the petitioners no longer survives for consideration.

The writ petition is accordingly closed.

Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

JUSTICE SANJAY KUMAR

Date:14.03.2016

GJ