

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CIVIL REVISION PETITION No.3258 of 2016

ORDER:

The Civil Revision Petition is filed by the petitioners under Article 227 of the Constitution of India against non-disposal of O.S.No.8 of 2010, on the file of the 1st respondent.

2. Heard and perused the material available on record.

3. The first petitioner filed W.P.No.12709 of 1988 to quash the order of the 1st respondent, dated 07.03.1988, passed in C.M.A.No.13 of 1987, confirming the order of the Deputy Collector (Tribal Welfare), East Godavari District, Rampachodavaram, dated 21.07.1987, in L.T.R.P.No.27676 of 1980 after calling for the records therein, whereby this Court allowed the W.P.No.12709 of 1988 vide order, dated 25.07.1996, by holding that the sale in favour of the first petitioner is not hit by Section 3 of Regulation 1 of 1959 and the orders of respondents 1 & 2, dated 07.03.1988 & 21.07.1987, were quashed.

4. The first petitioner has again filed W.P.No.24867 of 2008 before this Court challenging the action of the respondents in not settling his claim in respect of the land in Survey Nos.92, 97 & 100/3 of K. Yerrapalem Village, Rampachodavaram Mandal, East Godavari District, in spite of the orders of the Court in W.P.No.12709 of 1988, whereby this Court disposed of the W.P.No.24867 of 2008 vide order, dated 13.11.2008, by directing the respondents to decide the claim of the first petitioner pursuant to his representations, dated 23.06.2001, 28.07.2007 and 01.09.2008 in the light of the judgment of this Court in W.P.No.12709 of 1988, dated 25.07.1996.

5. The petitioners have filed O.S.No.8 of 2010 for illegal interference with the petitioners' land by the 3rd respondent (non-tribal). The petitioners contended that the 1st respondent ought to have decided the suit as the subject matter of the land have already been decided by this Court in W.P.No.12709 of 1988, dated

25.07.1996, and W.P.No.24867 of 2008, dated 13.11.2008, and in compliance with the said orders, the petitioners were given possession by respondents 1 and 2 through the Tahsildar, Rampachodavarm, on 04.02.2009, but the 3rd respondent is illegally interfering with the petitioners' land, for which the petitioners have filed O.S.No.8 of 2010.

6. The petitioners filed W.P.No.42203 of 2015 before this Court to challenge the proceedings in O.S.No.8 of 2010 before the 1st respondent, whereby this Court dismissed the W.P.No.42203 of 2015, vide order, dated 29.01.2016, giving liberty to the petitioners to avail alternative remedies in accordance with law. Hence, the present civil revision petition.

7. Learned counsel for the petitioners confined his arguments only in connection with the early disposal of O.S.No.8 of 2010, on the file of the 1st respondent.

8. Considering the facts and circumstances of the case and the submissions of the learned counsel for the petitioners and since the matter is pending from the year 2010, the Civil Revision Petition is disposed of by directing the Agent to Government (District Collector), Kakinada, East Godavari District (1st respondent) to dispose of the O.S.No.8 of 2010, in accordance with law, as expeditiously as possible, preferably within a period of six (6) months from the date of receipt of a copy of this order.

9. Accordingly, the Civil Revision Petition is disposed of. Miscellaneous Petitions, if any, pending in this civil revision petition shall stand closed.

RAJA ELANGO, J

Date: 27th July, 2016

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