

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.37511 of 2016

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking the following relief:

“....to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the 3rd respondent in not disposing the appeal RC.No.1862/201-F1/RC No.76/2005-F1 is illegal, improper, arbitrary and against the principles of natural justice and violation of Article 14 of the constitution of India and consequently direct he 3rd respondent to dispose of the appeal RC.No.1862/201-F1/RC.No.76/2005-F1 by fixing an early date.”

2. Heard learned counsel for the petitioner and learned Assistant Government Pleader for Revenue. With their consent, the writ petition is disposed of at the stage of admission.

3. The petitioner is brother's son of one Dantla Venkat Reddy, who had no male issues and as such he is said to have bequeathed land to an extent of 16.40 cents in Survey No.287 of Suddapalli Village, Cheborle Mandal, Guntur District to the petitioner and his three daughters through Will, dated 25.04.2005. It is stated that the said Venkat Reddy filed an application under Section 10-A of the Andhra Pradesh (Andhra Area) Inams (Abolition and Conversion into Ryothwari) Amendment Act, 1975 (for short, 'the Act') on 22.02.1979 before Revenue Divisional Officer, Guntur for declaration that he is a tenant of the petition schedule land situated at Ryothwari Village, Suddapalli and possessed a right of permanent occupancy of the land by virtue of his tenancy holding. Thereafter, the Revenue Divisional Officer, Guntur issued a declaration in Form No.XIV in favour of the said Venkat Reddy. Aggrieved by the same, one Govinda Reddy and others

filed an appeal before the Collector and Additional District Magistrate, Guntur. It is said that by an order, dated 29.08.1981, the said declaration was set aside and the matter was remanded to the Revenue Divisional Officer, Guntur. Subsequently, the said application was transferred to Revenue Divisional Officer, Tenali as Suddapalli Village fell within Tenali jurisdiction. After perusing the records, the Revenue Divisional Officer, Tenali, passed order on 28.06.2008, declaring the said Venkat Reddy as a tenant of Inam land in T.D.No.1030 in survey No.287 of Suddapalli Ryotwari village. Against the said order, one Chirapureddy Sambireddy filed an appeal before the 3rd respondent, who in turn passed order on 18.09.2010 rejecting the appeal stating that under Section 19 (A) (1) of the Act, an appeal to the Collector has to be filed within sixty days from the date of communication of such order. Aggrieved by the endorsement made by the Joint Collector, Guntur, the petitioner preferred a revision petition before the Commissioner, Appeals to set aside the order, dated 18.09.2010 passed by the 3rd respondent. The Commissioner of Appeals by his order dated 25.03.2013 set aside the order of the 3rd respondent and remanded the matter to the 3rd respondent with a direction to dispose of the same after giving due opportunity to the petitioner and the respondents. It is said that though the order of remand was passed in the month of March, 2013, till date the 3rd respondent has not passed any final orders.

4. Learned counsel for the petitioner submits that the subject matter pertains to the year 2005 and a direction may be given to the 3rd respondent to dispose of the appeal at the earliest.

5. Learned Assistant Government Pleader for Revenue submits that such a request can be considered, provided the appeal filed by the petitioner is still pending.

6. Having regard to the facts and circumstances of the case, the Writ Petition is disposed of directing the 3rd respondent to dispose of the appeal No.RC.No.1862/2012-F1/RC.No.76/2005.F1, in accordance with law, if the same is still pending consideration, as early as possible, preferably within a period of eight (08) weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

NOVEMBER 02, 2016
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JUSTICE C. PRAVEEN KUMAR



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Date:02.11.2016

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