

THE HON'BLE SRI JUSTICE A.V. SESA SAI

-
WRIT PETITION No.20471 OF 2016

-

ORDER:

The challenge in the present Writ Petition is the alleged inaction on the part of the 1st respondent – State Government, in passing the orders on the Appeal bearing No.581/2-16, filed by the 3rd respondent under the provisions of the A.P. (SC, ST & BCs) Regulation of Issuance of Community Certificates Act, 1993 (herein after, 'the Act').

2 . Heard Sri T.Sujan Kumar, learned counsel, appearing for the petitioner and learned Government Pleader for Social Welfare, appearing for the respondents, apart from perusing the material available before the Court.

3. In exercise of the powers conferred under the provisions of Section 5 of the Act, the District Collector, Nizamabad District, cancelled the BC(E) certificate issued in favour of the 3rd respondent by Tahsildar, Ranjal Mandal, Nizamabad, vide proceedings No.C-3/3059/2014-1, dated 15.02.2016.

4. Aggrieved by the said order of cancellation of the Caste Certificate passed by the District Collector, the 3rd respondent herein preferred a Statutory Appeal under Section 7 of the Act before the State Government on 26.02.2016. Along with the said appeal, stay application is also filed. Questioning the inaction in passing any orders on the stay application, the 3rd respondent herein filed W.P.No.7821 of 2016 before this Court and this Court by virtue of an order dated 10.03.2016, disposed of the said writ petition, directing the Appellate Authority/State Government to take up the stay application filed by the petitioner therein

(3rd respondent) in the appeal for hearing and pass appropriate orders thereon expeditiously after hearing all the parties concerned while directing that in the meanwhile, the order under appeal shall not be given effect to. In the said writ petition, the petitioner herein was arrayed as respondent No.4.

5. Now, in the present writ petition, the grievance of the petitioner is that having obtained the said order, the unofficial respondent herein is continuing in the post of Sarpanch by using influence at the high-level to complete his tenure of five years successfully. It is also the submission of the learned counsel for the petitioner that though this Court passed order as long back as on 10.03.2016 in W.P.No.7821 of 2016, no orders have been passed by the State Government in terms of the said order. It is further alleged in the affidavit filed in support of the writ petition that allowing further delay in disposing the appeal is to continue the 3rd respondent in the post of Sarpanch elected on the basis of the false caste certificate.

6. In the facts and circumstances of the case and in the interest of justice, this Court is of the considered opinion that the ends of justice would be served if the writ petition is disposed of by directing the 1st respondent – State Government to pass appropriate orders on the appeal dated 26.02.2016 filed by the 3rd respondent against the orders of the District Collector vide proceedings No.C3/3059/2014-1, dated 15.02.2016, by fixing some timeframe.

7. For the aforesaid reasons, Writ Petition is disposed of, directing the 1st respondent – State Government to pass appropriate orders on the appeal dated 26.02.2016 preferred by the 3rd respondent against the orders of the District Collector vide proceedings No.C3/3059/2014-1, dated 15.02.2016, within a period of three months from the date of receipt of a copy of this order, after giving notice and opportunity of

hearing to all the stakeholders.

8. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

24.06.2016

SS