

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.26066 OF 2017

Date: 04.08.2017

Between:

Dr Ratnam V.Mullapudi S/o late M.Ramanna,
Aged about 75 years, r/o M/s. Usha Mullapudi
Cardiac Centre, Gajularamaram Village,
Qutubullapur Mandal, Ranga Reddy district.

.....Petitioners

And

State of Telangana, rep.by its Principal Secretary,
Revenue Department, Secretariat, Hyderabad and
others.

.....Respondents



The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.26066 OF 2017

ORDER:

Petitioners claim that Occupancy Right Certificate (ORC) was granted to the vendors of the petitioners to an extent of Ac.15.04 guntas of land in Sy.No.222 of Gajularamaram village, Quthubullapur Mandal, Medchal, Keesara District on 16.09.1994. Petitioners purchased the said property from their vendors. Respondent no.4 filed appeal before the Joint Collector after long lapse of time. On receipt of notice from the Joint Collector, petitioners filed objections on maintainability of appeal on the ground of inordinate delay and opposed the condonation of delay. This writ petition is filed contending that even without deciding the objections filed by the petitioners on maintainability of appeal, after long lapse of time, the Joint Collector is insisting to proceed with the main case and compelling the petitioners to argue on merits of the appeal.

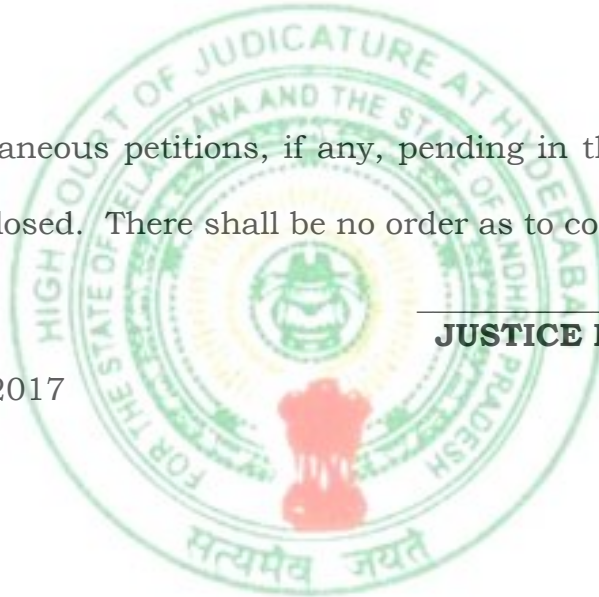
2. It is not in dispute that Joint Collector is competent to entertain the appeal filed by the aggrieved party against the ORC granted to the vendors of the petitioners. That is being so, it cannot be expected that the Joint Collector would not consider the objections of the petitioners on the issue of maintainability of appeal on the ground of delay in filing such appeal. The Joint Collector being statutory appellate authority, Court is not inclined to interfere with, at this stage, even before a decision is taken by him on the issue of maintainability of appeal on the ground of delay and issue directions to statutory authority even before a decision is taken in exercise of power of judicial review under

Article 226 of the Constitution of India. At this stage, it is appropriate to note that power under Article 226 of the Constitution of India against quasi-judicial authority decision is very limited and Court cannot interject the proceedings pending before the quasi-judicial authority or mandate him to deal with the issue pending before him in a particular manner even before a decision is taken. Thus, Court is not inclined to grant the relief as sought for. Accordingly, writ petition is dismissed, leaving it open to the petitioners to work out their remedies as available in law including the issue of condonation of delay in filing appeal against them.

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

JUSTICE P.NAVEEN RAO

Date: 04.08.2017
kkm



HON'BLE SRI JUSTICE P.NAVEEN RAO



WRIT PETITION NO.26066 OF 2017

Date: 04.08.2017

kkm