

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.581 of 2017

ORDER:

This writ petition is filed seeking to declare the action of the 3rd respondent in not disposing the Case No.A4/C P C/311 of 2014 (Suit in O.S.No.215 of 2009, on the file of the Senior Civil Judge, Mancherial), as illegal and arbitrary and consequently direct the 3rd respondent to dispose of the same, in accordance with law, within the stipulated time fixed by this Court.

Heard and perused the material available on record.

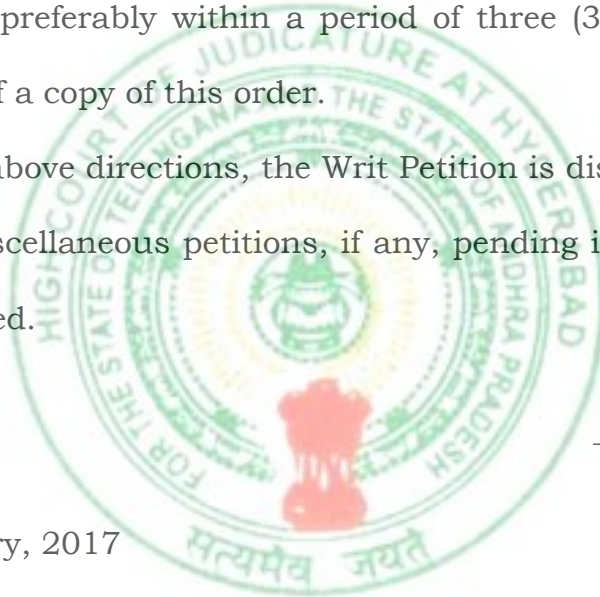
The case of the petitioner is that the petitioner filed a suit in O.S.No.215 of 2009, on the file of the Senior Civil Judge, Mancherial, against the 4th respondent for recovery of an amount of Rs.4,89,000/- alleging that the 4th respondent borrowed the said amount from the petitioner and executed three promissory notes in the favour of the petitioner for Rs.1,80,000/-, Rs.1,50,000/- and Rs.1,50,000/- respectively on the even date agreeing to repay the said amount to the petitioner or to the order of the petitioner on demand with interest @ 24% per annum. As the 4th respondent failed to repay the said amount, the petitioner filed O.S.No.215 of 2009 for recovery of the said amount and that the suit was filed on 26.03.2009 and while the said suit was pending, the Senior Civil Judge, Mancherial, returned the said suit under Order 7 Rule 10(1) C.P.C. for presentation before the Agency Court (Special Deputy Collector, Tribal Development Agency Utnoor, Adilabad District) holding that in view of the judgment of the Apex Court rendered in **NAGARJUNA GRAMEENA BANK AND OTHERS Vs. MEDI**

NARAYANA AND OTHERS¹, the Civil Courts have no jurisdiction to entertain suits in the scheduled areas.

The main grievance of the petitioner is that the petitioner presented the said suit before the 3rd respondent on 01.10.2014 and the same was registered as Case No.A4/C P C/311 of 2014, and since then the said case is pending before the 3rd respondent and that the 3rd respondent is not taking any steps to dispose of the same.

Considering the said facts and circumstances, the 3rd respondent is directed to dispose of Case No.A4/C P C/311 of 2014, filed by the petitioner on 01.10.2014, as expeditiously as possible, in accordance with law, more preferably within a period of three (3) months from the date of receipt of a copy of this order.

With the above directions, the Writ Petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.



RAJA ELANGO,J

Date: 6th January, 2017

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¹ 2012 (11) SCALE Page 312