

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND**

**THE HON'BLE Ms. JUSTICE J. UMA DEVI
Writ Appeal No.1324 of 2017**

Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the learned Single Judge in W.P. No. 5511 of 2010 dated 6.9.2017. The 1st respondent herein filed the Writ Petition to declare the action of the District Collector, Ranga Reddy, in passing order dated 17.2.2010 cancelling her Community Certificate as a Scheduled Tribe obtained from the then Mandal Officer, Balanagar Mandal on 8.6.1987, and in declaring that she does not belong to Scheduled Tribe-Kondakapu Caste as arbitrary and illegal.

During the pendency of the writ petition before the learned Single Judge, the 1st respondent has had the benefit of an interim order. When the writ petition was finally heard, the learned Single Judge was of the view that the 1st respondent-writ petitioner should be relegated to the remedy of an appeal; and, accordingly, permitted the 1st respondent-writ petitioner to prefer an appeal to the appellate authority within a period of 30 days from the date of receipt of a copy of the order; on such an appeal being filed, the appellate authority was directed to dispose of the same within a period of three months; and, till the disposal of the appeal, the respondent-authorities were directed not to take any coercive steps against the 1st respondent-writ petitioner on the basis of the said order.

Sri M. Janardhan Rao, learned counsel for the appellants, would submit that the learned Single Judge had erred in granting the 1st respondent-writ petitioner 30 days time, from the date of receipt of a copy of the order, to prefer an appeal; and, as Section 7(4) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward

Classes) Regulation of Issue of Community Certificates Act, 1993 (hereinafter referred to as “the Act”) enables the authority to grant stay, the learned Single Judge ought not to have directed the respondents not to take coercive steps till the appeal is finally disposed of.

With a view to avoid any ambiguity, regarding the date of receipt of a copy of the order of the learned Single Judge, we consider it appropriate that the 1st respondent-writ petitioner be permitted to prefer an appeal to the appellate authority on or before 10th October, 2017. In case such an appeal is preferred, the appellate authority shall hear and decide the appeal with utmost expedition; and, in any event, on or before 10.1.2018. As a specific time frame has been stipulated for the appellate authority to dispose of the appeal, we see no reason to interfere with the order of the learned Single Judge directing that no coercive steps be taken against the 1st respondent-writ petitioner till the appeal is disposed of.

Suffice it to make it clear that, in case the 1st respondent-writ petitioner does not prefer an appeal on or before 10.10.2017, it is open to the respondent-authorities to proceed against the 1st respondent-writ petitioner; and take action in accordance with law.

With the aforesaid observations, the Writ Appeal is disposed of. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(J. UMA DEVI, J)

14th September, 2017

Note:

Furnish c.c. by 18.9.2017.

b/o

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