

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.36133 OF 2017

ORDER:

This Writ Petition is filed, under Article 226 of the Constitution of India, to declare the action of the fifth respondent, in not passing orders either on the Appeal or on the stay petition filed by the petitioner herein, dated 12.10.2017, against the orders passed by the Settlement Officer in Case No.7318 dated 30.08.1982, as illegal and arbitrary.

Heard learned counsel for the petitioner and the learned Government Pleaders for Revenue and Forests.

According to the petitioner his father one late Sri Nagireddy purchased the subject land admeasuring 0.42 Hectares in Sy.No.144/7 of Charla Village & Mandal, Bhadradri Kothagudem District in the year 1969. Earlier, the said Nagireddy and another filed an application under Section 9 of Regulation 2/70 for grant of ryotvari pattas in respect of the subject properties. The Settlement Officer-second respondent herein passed an order, in Case No.7318 on 30.08.1992, dropping the proceedings under the second proviso to Section 7 (i) of Reg.2/70 and directed registration of the land as village site. According to the petitioner, he had no knowledge of the said order passed by the Settlement Officer in the year 1992 and it is stated that the petitioner herein has been in possession and enjoyment of

the land in question. It is further stated that, after coming to know about the said order passed by the second respondent in the year 1992, he filed a statutory appeal under the regulations on 12.10.2017 and, along with the said appeal, petitioner herein also claims to have filed stay application and an application to condone the delay in filing the appeal.

In the above background, questioning the alleged inaction on the part of the fifth respondent, in passing any orders on the appeal and the said interlocutory applications, the present Writ Petition is filed. It is submitted by the learned counsel that now there is every threat of the petitioner being dispossessed from the subject properties and, if the same is permitted to happen, the petitioner herein may have to suffer irreparable loss and hardship.

On the contrary it is submitted by the learned Government Pleaders appearing for the respondents that the appeal, said to have been filed by the petitioner herein before the fifth respondent against the orders passed by the second respondent, is liable to be rejected on the sole ground of abnormal delay. It is further submitted by the learned Government Pleaders that no plausible explanation is forthcoming as to why the petitioner herein slept over the matter for all these days having suffered an order passed by the second respondent long back.

Having heard the learned counsel for the petitioner and the learned Government Pleaders, and having regard to the nature of controversy, this Writ Petition is disposed of, directing the fifth respondent to pass appropriate orders on the condone delay application filed by the petitioner herein along with the appeal, dated 12.10.2017, as expeditiously as possible, preferably within a period of three weeks from the date of receipt of a copy of this order, after giving opportunity of hearing to the petitioner herein. It is made clear that, till the said application is disposed of by the fifth respondent, *status quo*, with regard to possession of the subject properties, shall be maintained.

Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed. There shall be no order as to costs.

30th October, 2017
Tsy

A.V.SESHA SAI,J