

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.10091 of 2007

ORDER:

This writ petition is filed for the following relief:

“.....to issue a writ or direction more particularly one in the nature of writ of mandamus declaring the action of respondent No.2 in rejecting the Transfer Petition No.BC1/14587/2007 filed under Section 132 of the Act 30 of 1987 as illegal, void and further declare that the action of respondent No.1 in disposing R.P.No.48 of 2007 without hearing the arguments of the counsel for the petitioner, as illegal, void and consequently set aside the orders passed by respondent No.1 in RP No.48 of 2007, dated 01.05.2007 and direct respondent No.2 to transfer R.P.No.48 of 2007 to the file any other Regional Joint Commissioner in the state for hearing

Petitioner states that respondent No.1-Regional Joint Commissioner, Endowments Department, Kakinada, East Godavari, is not giving any opportunity to him to put forward his case in R.P.No.48 of 2007 and on the ground that respondent No.1 was acting in a biased manner, he approached respondent No.2-Commissioner of Endowments by way of filing a Transfer Petition seeking transfer of the said R.P. to any other competent authority. Unfortunately, respondent No.2 without considering the same, dismissed the Transfer Petition on 01.05.2007 and in the meanwhile, respondent No.1 passed orders in R.P.No.48 of 2007 on 25.04.2007. He further submits that respondent No.2 instead of passing orders expeditiously, had passed orders after respondent No.1 disposing of the R.P.

On 09.05.2007, this Court while issuing notice before admission, directed the parties to maintain *status quo* for a period of six weeks and on 05.06.2007, the same was extended until further orders.

Heard learned counsel for the petitioner and learned counsel for respondent Nos.4 and 5.

The facts, as set out in the writ affidavit, disclose that even as on the date of the petitioner filing the writ petition, the R.P. filed by him before respondent No.1 is not pending. It may be noted that the petitioner himself filed the writ petition on 07.05.2007, enclosing a copy of the order, dated 25.04.2007, passed by respondent No.1, whereas respondent No.2 dismissed the Transfer Petition *vide* order, dated 01.05.2007. It may be further noted that instead of questioning the order, dated 25.04.2007, passed by respondent No.1 in R.P.No.48 of 2007, the petitioner filed present writ petition questioning the order, dated 01.05.2007 of respondent No.2 refusing to transfer the R.P. However, the fact remains that while rejecting the request of the petitioner for transfer of R.P.No.48 of 2007, it was not brought to the notice of respondent No.2 with regard to its disposal, probably, it may be due to the communication gap, and that if the same was brought to his notice, respondent No.2 could have dismissed the transfer petition as infructuous. It may also be noted that as the petitioner

had not chosen to question the order, dated 25.04.2007, passed by respondent No.1, it had become final.

For all the above reasons, the writ petition is devoid of merit and is accordingly dismissed.

Miscellaneous Petitions, if any pending shall stand dismissed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dt:20.06.2018

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