

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.15006 OF 2018

Dated:26.04.2018

Between:

Ravuri Ravi Kumar,
S/o. Krishna Murthy,
Aged about 48 years,
Occ: Farmer,
R/o. H.No.2-12,
Pinapakapattinagar Village,
Burgampadu Mandal,
Badradri – Kothagudem District and another.

... Petitioners

And

The State of Telangana,
Represented by its Principal Secretary,
Revenue Department,
Secretariat Buildings,
Hyderabad and another.

... Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.15006 OF 2018****ORDER:**

Petitioners claim to be the owners of land to an extent of 8.00 Acres in Survey Nos.3/3, 4/4 and 4/5 of Rangapuram Village, Palvanha Mandal of Bhadrachalam District. Petitioner succeeded before the Special Assistant Agent to Government in O.S.No.274 of 2014. Petitioner alleges that there is a grown up mango garden in the subject land and the mango trees are ripe for harvesting, but the unofficial respondent is not allowing, even though petitioner succeeded against him.

2. It appears unofficial respondent filed C.M.A.No.1/2017, aggrieved by the decision of Special Assistant Agent to Government and the said CMA is pending before the Agent to Government. Petitioner also filed W.P.No.1993 of 2017 alleging that though a representation was made to grant police protection to cut the crop, the same was not granted and sought for a direction and notice that appeal is pending against the decision of Special Assistant Agent to Government. The court declined to grant relief and granted liberty to the petitioner to file appropriate application before the Agent to Government, with further direction to the Agent to Government to take up interlocutory application in the

pending appeal for consideration and pass appropriate orders. Instead of filing the application in the pending appeal before the Agent to Government, petitioner files representations to the District Collector and alleging inaction on the representations, this writ petition is filed.

3. Having regard to earlier directions of the court and fact that appeal is pending before the Agent to Government against the decision of Special Assistant Agent to Government, this writ petition is not maintainable. Further, petitioner also seeks direction to the Agent to Government to dispose of CMA 1/17. It is not stated as to the stage of the said CMA and why it is not disposed of so far. Thus, in the absence of specific pleadings of unreasonable delay caused, no direction as sought for can be granted.

4. When learned counsel was asked to clarify whether pending appeal before the Agent to Government injustice is caused to petitioner or there is illegal interference in the guise of an interlocutory order obtained by the unofficial respondent, learned counsel for the petitioners submits that no stay is granted. If that is so, when mere pendency of appeal has not caused any inconvenience in enjoying the property and when the Special Assistant Agent to Government granted relief to him, the Court need not mandate the Agent to Government to dispose of appeal in a

fixed time frame as no motive is attributed to Agent to Government in delaying disposal of appeal.

5. Accordingly, this writ petition is dismissed. As already directed by this Court, it is always open to the petitioner to make appropriate application before the Agent to Government in the pending appeal. It is also open to the petitioner to seek expeditious disposal of the pending appeal.

6. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

26.04.2018
SS



P.NAVEEN RAO, J

THE HON'BLE SRI JUSTICE P. NAVEEN RAO



WRIT PETITION No.15006 OF 2018

26th APRIL, 2018

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