

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.15883 OF 2018

DATED : 30.04.2018

Between :

Smt P.Kalavathi W/o.P.Venkat Rao,
Aged 37 yrs, R/o.D.No.8-193, Tailors Colony,
RRV Puram Post, Visakhapatnam-27 & another

..

Petitioners

And

The State of Andhra Pradesh,
Rep., by its Principal Secretary (Revenue),
Secretariat, Velagapudi,
Guntur & others.

Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.15883 of 2018

ORDER :

Heard learned counsel for the petitioners and learned Assistant Government Pleader for Revenue.

2. According to petitioners, land to an extent of Ac.1.98 cents in Sy.No.177 of Kothapalem village, is classified as poromboke. As it was a vacant land, 2nd petitioner occupied and constructed a small asbestos house on an extent of 102 Sq.yards with an open area of 49 Sq. yards in the year 1983.

3. Earlier a Trust by name 'Kalavathi Smaraka Trust' was established and being run in the said premises. Delivery receipt dated 20.12.2016 enclosed as Ex.P.5 would disclose that the property described was taken possession and handed over to GVMC for safe custody and for using of communal purpose. Aggrieved thereby petitioners preferred appeal before the Revenue Divisional Officer (RDO), and the same is pending. While so, on 06.02.2018, the Revenue Divisional Officer passed orders directing the Tahsildar, Visakhapatnam Rural, to break open the seal put to the house and hand over to the appellant forthwith pending disposal of the appeal. Alleging inaction in not implementing the directions of the RDO, and seeking direction to Tahsildar to remove the seal, this writ petition is filed.

4. Apparently the appeal filed by the petitioners is pending. For the reasons best known instead of considering the appeal on merits and disposing of the same, the RDO passed another order. If what is observed by the RDO is true, he ought to have remanded

the matter to Tahsildar for fresh consideration instead of keeping the appeal pending.

5. Be that as it may, this Court cannot act as an enforcement agency to seek implementation of the order of the RDO by the subordinate authority. It cannot be said that the RDO is powerless in enforcing his own order by his subordinate officers, for this Court to exercise the writ jurisdiction under Article 226 of the Constitution of India, and issue directions as sought for.

6. At this stage, learned counsel for the petitioners would submit that the RDO be directed to dispose of the appeal preferred by the petitioners as early as possible, to which suggestion learned Assistant Government Pleader, also agree and requests four weeks time for passing orders.

7. Having regard to the above, the Writ Petition is disposed of directing the Revenue Divisional Officer-3rd respondent to pass final orders in the appeal preferred by the petitioners against the decision of Tahsildar in sealing the house, as expeditiously as possible, preferably within a period of four (4) weeks from the date of receipt of copy of this order. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO,J

30th April, 2018

Note : Issue c.c. in one week

B/o.

Rds