

THE HON'BLE SRI JUSTICE P.KESHAHA RAO

WRIT PETITION NO.7897 OF 2007

ORDER:

Heard the learned counsel for the petitioner and the learned GP appearing for respondent Nos. 1 to 3.

2. The prayer sought in the Writ Petition is as under:

“..to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of 1st respondent in not disposing of the Review/ Revision Petition dated 19.11.2001 sent by Registered Post Acknowledgement due on 20.11.2001 and / or G.O.Ms.No.81 Social Welfare (C.V.2) Department dated 31.08.2001 of 2nd respondent, read with the Proceedings of 3rd respondent in Rc. No. 1030/95-C7 dated 3.10.1999 as illegal, unconstitutional, suffers from errors of facts and contrary to the mandatory provisions of The A. P. (Schedule Castes, Scheduled Tribes and Backward Classes) Regulation of issue of Community Certificates Act, 1993 Read with The A.P. Schedule Castes, Scheduled Tribes and Backward Classes) issue of Community, Nativity and Date of Birth Certificates Rules, 1997 and consequently be pleased to restore the Caste Certificate D.Dis. No. 3326/79 dated 23.8.1979 issued by the Tahsildar, Salur.”

3. Learned GP placed on record Memo No.2588/CV.2/2007 dated 31.10.2018 to the effect that after thorough search made

in the section and record room of the department, no file or application relating to the revision petition filed by the petitioner is found/pending with the Tribal Welfare Department.

4. However, learned counsel for the petitioner, today, placed on record, the original postal receipt along with a copy of the revision sent to respondent Nos. 1 and 2. Relying on the said receipt, he contended that the revision petition is pending consideration with respondent No.1.

5. The Xerox copy of the postal receipt along with a copy of the revision petition is placed on record.

6. Though the postal receipt is filed, the petitioner has not placed on record any evidence to the effect that the said revision petition has been received by respondent No.1. Though there is a presumption that when once a letter has been addressed to respondent No.1 through registered post acknowledgment due, it is deemed to be a proper service, but in the light of Memo dated 31.10.2018 issued by respondent No.1, this Court cannot appreciate that the petitioner has filed a revision before respondent No.1. However, in the interest of justice and since a prima facie case is made out before this Court by placing the original postal receipt, liberty is given to the petitioner to file a fresh revision before respondent No.1 within 15 days from the date of receipt of a copy of this order.

On such filing, respondent No.1 shall pass appropriate orders by giving an opportunity of being heard to the petitioner within a period of three months thereafter, as per law.

6. With the above observation, the Writ Petition is disposed of.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

P. KESHAVA RAO,J

Date: 12.11.2018

KPM

