

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.39537 OF 2018

ORDER :

Heard learned counsel for the petitioner and the learned Government Pleaders for Revenue and Social Welfare, apart from perusing the entire material available on record.

The alleged inaction, on the part of the respondents, in not disposing of the appeal, dated 05.10.2015, preferred by the petitioner herein against the order of the Settlement Officer and Revenue Divisional Officer, Bhadrachalam, in Settlement Case No.1703/2015, dated 07.08.2015, is under challenge in the present Writ Petition.

By way of the above mentioned order, dated 07.08.2015, in Settlement Case No.1703/2015, the Settlement Officer and Revenue Divisional Officer, Bhadrachalam declined to consider the request of the petitioner herein for grant of ryotwari patta. As against the said order passed by the primary authority, petitioner herein filed a statutory appeal on 05.10.2015 before the Director of Survey, Settlements and Land Records, State of Telangana, Hyderabad-first respondent herein. The said appeal was returned by the office of the first respondent to the learned counsel for the petitioner on 29.12.2015 on the ground that the State Government, vide G.O.Rt.No.1001, Revenue (Services.I/1) Department, dated 23.05.2008, delegated appellate powers of the first respondent to the second respondent-Additional Agent to the Government.

According to the petitioner, the said appeal was presented before the second respondent, after taking return from the first respondent on 29.11.2015.

It is to be noted in this context that, questioning the validity of the said G.O.Rt.No.1001, Revenue (Services.I/1) Department, dated 23.05.2008, number of Writ Petitions were filed before this Court and this Court suspended the said governmental order and, according to the learned counsel for the petitioner, the said issue is pending consideration before this Court.

According to the learned counsel for the petitioner, in view of the pendency of the said issue before this Court, neither the second respondent nor the first respondent is taking up the matter. In view of the same, petitioner herein is sustaining irreparable loss and hardship.

Since the interim suspension order passed by this Court is still subsisting, this Court deems it appropriate to dispose of the Writ Petition with a direction to the second respondent herein to transfer the appeal, filed by the petitioner herein against the order in Settlement Case No.1703, dated 07.08.2015, passed by the Settlement Officer and Revenue Divisional Officer, Bhadrachalam, to the office of the first respondent, within a period of one month from the date of receipt of a copy of this order, and, after transfer of the appeal within time as indicated supra, the first respondent herein shall pass appropriate orders on the appeal filed by the petitioner herein within a period of three months thereafter.

Accordingly, Writ Petition is disposed of. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions pending, if any, shall stand closed.

02nd November, 2018
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A.V.SESHA SAI, J

