

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.40208 OF 2018

O R D E R :

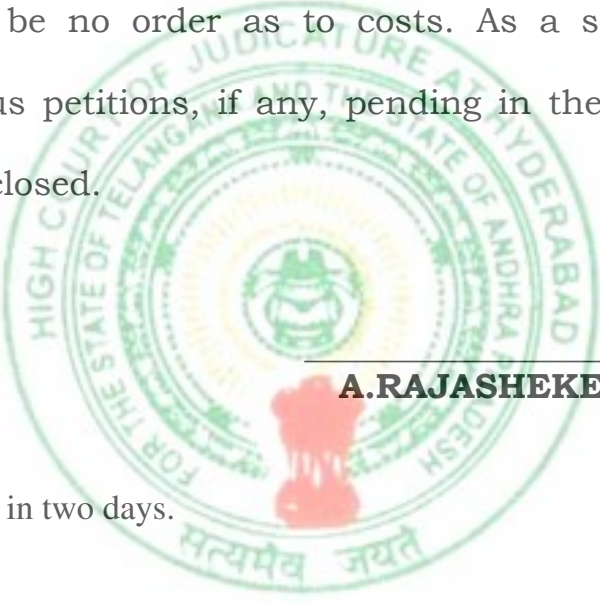
This Writ Petition is filed seeking writ of mandamus declaring the action of the 4th respondent in not disposing the Appeal in Settl.I(1)/231/2016, as illegal and arbitrary and consequently to direct the 4th respondent to dispose of the said appeal.

It is the case of the petitioner that she is the absolute owner and in possession of land to an extent of Acs.2.24 cents and Ac.1.50 cents in Sy.No.89/1 and 89/2 respectively totalling Acs.3.74 cents in Kurmannapalem Village, Gajuwaka Mandal, Visakhapatnam District. That earlier patta was granted to one Muddu Somanna, who is her father-in-law's father in the year 1905 by Vijayanagaram Sansthanam. That her father in- law's family is in possession and enjoyment of the same and that after the death of Sri Somanna, her father-in-law inherited the said property. After the death of the husband of the petitioner in Indo Pak War, her father-in-law executed Will bequeathing the aforesaid property in her favour. That when the revenue authorities were interfering with the peaceful possession and enjoyment of the said property, the petitioner filed WP No.17108 of 1999, which was disposed of on 26.04.2000, with a direction to the respondents to follow due process of law. Despite the orders of this Court, when the revenue authorities were interfering

with the possession of petitioner, she filed WP No.5869 of 2005. Though initially, interim order was granted on 03.03.2005, the same was dismissed on 21.11.2014 by this Court. Subsequently, when the petitioner filed claim petition before the 1st respondent under Section 11(a) of Andhra Pradesh (Andhra Area) Estate's (Abolition and Conversion of Ryotwari) Act, 1948 on 27.05.2010, the same was numbered in the year 2012 SR No.8/2012. However, the 1st respondent dismissed the same on 01.07.2014 rejecting her claim for grant of Ryotwari Patta. Aggrieved by the same, she filed Revision Petition before the 3rd respondent, which was numbered as RP No.19/2014/A. The 3rd respondent, after considering the documents filed by the petitioner, allowed the same on 18.04.2016 setting aside the order of the 1st respondent dated 01.07.2014. Aggrieved by the orders of the 3rd respondent dated 18.04.2016, the respondents 1 and 2 preferred appeal before the 4th respondent in Appeal Sett.I(1)231/2016. Though the 4th respondent granted interim stay on 02.05.2017 against the operation of the order of the 3rd respondent dated 18.04.2016, the matter underwent several adjournments from 10.08.2017 and now the matter is posted to 22.11.2018. Aggrieved by the action of the 4th respondent in not disposing the appeal, the present Writ Petition is filed.

In this case, it is to be seen that the only grievance of the petitioner is that even though interim stay is granted by the 4th respondent in the appeal i.e., Appeal Sett.I(1)/231/2016 filed by respondents 1 & 2 on 02.05.2017, the same is not being disposed of till date.

In view of the facts and circumstances, the 4th respondent is directed to dispose of the appeal filed by the respondents 1 & 2 vide Sett.I(1)/231/2016, within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.



A.RAJASHEKER REDDY, J

08.11.2018

Note: Issue CC in two days.
B/o.tk.

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