

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.40247 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)/233/2016 as illegal and arbitrary and consequently to direct the 4th respondent to dispose of the said appeal.

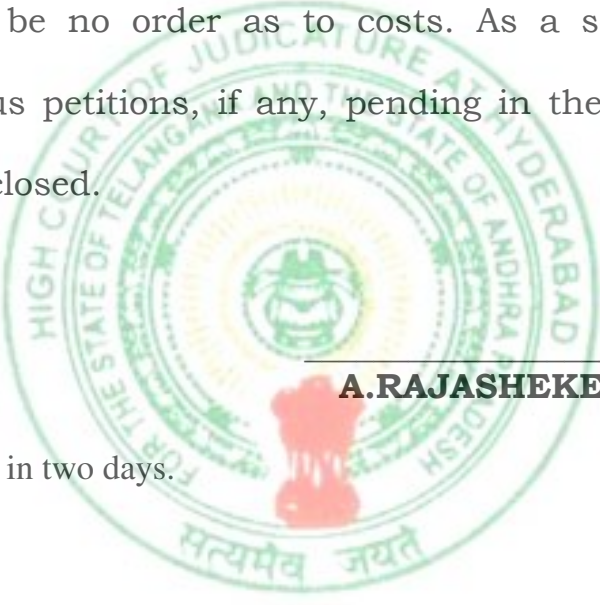
It is the case of the petitioners that they are the absolute owners and in possession of land to an extent of Ac.1.83 cents in Sy.No.89/3 in Kurmannapalem Village, Gajuwaka Mandal, Visakhapatnam District. That earlier patta was granted to one Muddu Somanna, who is their grand father in the year 1905 by Vijayanagaram Sansthanam. Since then the petitioners' family is in possession and enjoyment of the same and that they have also paid cists in respect of said land to Vizayanagaram Sansthan by their forefathers. After the death of their grand father, their father inherited the said property and during the life time of their father, he executed a Will Deed in favour of their mother bequeathing the above said property to her. Subsequently, their mother executed registered Will Deed No.181/88 on 10.10.1988 in favour of the petitioners. When the revenue authorities were interfering with their peaceful possession of the property on the ground that the subject land belongs to Government, they filed WP No.22763 of 2002, which was disposed of on 17.04.2003

directing the respondents to follow due process of law before dispossessing the petitioners. Subsequently, in order to obtain ryotwari pattas, petitioners 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 as SR No.9/2012. However, the 1st respondent dismissed the same on 01.07.2014 rejecting their claim for grant of Ryotwari Pattas. Aggrieved by the same, they filed Revision Petition before the 3rd respondent, which was numbered as RP No.20/2014/A. The 3rd respondent, after considering the documents filed by the petitioners, 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)233/2016. 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.

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

In this case, it is to be seen that the only grievance of the petitioners is that even though interim stay is granted by the 4th respondent in the appeal i.e., Appeal Sett.I(1)/233/2016 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)/233/2016, 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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