

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

W.P.No.41397 of 2018

ORDER:

An order passed by the State Government vide Memo No.3287/TW.LTR.1/2018, dated 06.09.2018, rejecting the revision filed by the petitioner herein is under challenge in the present writ petition.

2. On the complaint of the petitioner herein dated 18.12.2007, the fourth respondent Special Deputy Collector (Tribal Welfare), Palvancha, Bhadrachalam District in Case No.96/2017/PNK passed an order on 21.02.2018. The Special Deputy Collector (Tribal Welfare), Bhadrachalam, took into consideration the order passed earlier vide proceedings initiated by the grandfather of the petitioner herein in Case No.839/841/79/MGR dated 29.04.1982 and rejected the claim of the petitioners herein by dropping the proceedings on the ground of *resjudicata*. Thereafter, according to the petitioner herein, he applied for a copy of the order passed in the year 1982 by the Special Deputy Collector (TW), Palvancha in Case No.839/841/79/MGR, dated 29.04.1982. Thereafter, the petitioner herein filed a statutory appeal before the Additional Agent to the Government, Bhadrachalam against the said order dated 29.04.1982. The Project Officer, ITDA, Bhadrachalam vide S.R.No.162/2, dated 11.06.2018 returned the said appeal on the ground of delay of 36 years 10 months and 12 days. As against the said orders, the petitioner herein filed a revision before the State Government under Clause 6 of the Telangana Schedule Area Land Transfer Regulations 1 of 1969 and the State Government vide the impugned Memo No.3287/TW.LTR.1/2018, dated 06.09.2018 dismissed the said revision. In the present writ petition, petitioner herein challenges the validity and the legal sustainability of the said order.

3. It is contended by the learned counsel for the petitioner that the state Government grossly erred in rejecting the revision by holding that the revision was filed with a delay of 36 years 10 months and 12 days. It is further contended in elaboration that the said observation made by the Government is totally incorrect and the revision was filed within the time.

4. Admittedly, on the complaint of the petitioner herein dated 18.12.2017 the Special Deputy Collector, Bhadrachalam passed an order on 21.02.2018 while observing therein about the proceedings initiated by the grandfather of the petitioner herein and the dropping of the said proceedings by the primary authority in the year 1982. Taking into consideration the said aspect, by way of the said order proceedings were dropped by the Special Deputy Collector on the principle of *resjudicata*.

5. There is no information forthcoming as to when the grandfather of the petitioner herein passed away. During the life times, either the grandfather or the father of the petitioner herein, they have not made any effort to assail the order dated 29.04.1982. It is also evident from the reading of the order dated 29.04.1982 that the father of the petitioner herein also attended before the Special Deputy Collector for enquiry and admittedly he did not carry the matter further. Having kept quite for more than 3½ decades, for the first time in the year 2018, the grand-son of the original complainant who is the petitioner herein filed an appeal against the orders dated 29.04.1982 before the appellate authority/third respondent herein. The reason for failure to file appeal even by the father of the petitioner herein is not forthcoming.

6. Having regard to the abnormal delay in approaching the authorities without explaining the reason as to why his predecessors did not carry the matter in appeal, this Court is not inclined to entertain the present writ

petition under Article 226 of the Constitution of India against the issues which attained finality long back.

7. Accordingly, the writ petition is dismissed. As a sequel thereto, miscellaneous petitions, if any, shall stand disposed of. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 16.11.2018





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Dated: 16.11.2018

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