

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.459 OF 2019

O R D E R:

The prayer of the petitioner in this case reads as under:

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon’ble court may be pleased to issue an appropriate Writ, Order, or Direction more particularly one in the nature of Writ of Mandamus declaring the action of respondent No.2 in not granting interim order by disposing the interim application of the petitioner in appeal dated 29.09.2018 before the 2nd respondent filed against the orders in appeal Ref.No.1942/2017, dated 21.07.2018 as illegal, arbitrary and violative of principles of natural justice and contrary to the order dated 12.10.2018 in W.P.No.37488 of 2018 and consequently suspend the order dated 21.07.2018 in Appeal Ref.No.F/1942/2014 of the 3rd respondent and pass such other order/s as this Hon’ble Court deems fit and proper in the circumstances of the case.”

2 It appears that the petitioner earlier filed W.P.No.37488 of 2018 before the common High Court for the States of Telangana and Andhra Pradesh, complaining about the action of the Tahsildar, Ghanpur (Mulugu) Mandal, Jayashankar Bhupalpally District, in trying to dispossess him pursuant to the appellate order dated 21.07.2018 passed by the Revenue Divisional Officer, Bhupalpally Division, Jayashankar Bhupalpally District. His case was that he had already filed a revision against the said appellate order before the District Collector, Jayashankar Bhupalpally District, but notwithstanding the same, the authorities were trying to give effect to the said appellate order. The said Writ Petition was disposed of by a learned single Judge of the common High Court, vide order dated 12.10.2018. Perusal of the said order demonstrates that the learned Judge took note of the fact that the petitioner did not file any stay application in the revision pending before the District Collector, Jayashankar Bhupalpally District, and directed the petitioner to file a stay application within one week. In the event he did so, the learned Judge directed the District Collector, Jayashankar Bhupalpally District, to consider

the same and pass appropriate orders thereon in accordance with law within a time frame. Complaining of inaction on the part of the District Collector, Jayashankar Bhupalpally District, upon the stay application filed by him in November 2018, the petitioner is again before this Court.

3 As this Court permitted the petitioner to file the subject stay application and also directed the revisional authority to pass orders thereon within a time frame, it is not open to the said revisional authority to ignore the time stipulation and sleep over the matter.

4 The Writ Petition is accordingly disposed of directing the revisional authority, viz., the District Collector, Jayashankar Bhupalpally District, to consider the petitioner's stay application filed in November 2018 in the pending revision filed against the order dated 21.07.2018 passed by Revenue Divisional Officer, Jayashankar Bhupalpally Division, in Appeal Ref.No.F/1942/2014, within one week from the date of receipt of a copy of this order.

5 Pending Miscellaneous Petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

21st January, 2019
Kvsn