

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.1811 of 2019

ORDER:

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

“For the reasons stated in the accompanying affidavit, it is hereby 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 inaction of respondent No.2 in proceeding with the Inam Appeal Case No.F1/1573/2017 filed against order dated 29.10.1993 of the 3rd respondent wherein Occupancy Right Certificates were granted in File No.J/2237/93 to the property in Sy.No.311 (Acs.3-18Gts); Sy.No.325 (Ac.1-25Gts); Sy.No. 328 (Acs.2-31Gts); and Sy.No.329 (Ac.1-18Gts) total to an extent of Acs.9-21Gts covered by Registered Sale Deed bearing No.1789/1997 dated 27.06.1997 situated at Cheeryal Village, Keesara Mandal, Medchal Malkajgiri District, without considering the Objection petition/Memo dated 18.08.2018 as wholly illegal, unjust, arbitrary, untenable, unconstitutional, contrary to the Provisions of AP (TA) Abolition of Inams Act, 1955 and the Rules 1975 and the decisions of this Honourable Court and also violative of Articles-14, 21, 86 and 300-A of the Constitution of India and consequently direct the 2nd respondent refrain from proceeding further in all respects and to pass such other order or orders as this Honourable Court may deem fit and proper in the facts and circumstances of the case.”

The petitioners are all respondents in the Inam Appeal bearing Case No.F1/1573/2017 on the file of the Joint Collector, Medchal-Malkajgiri District. It appears that petitioner No.1 filed a Memo before the appellate authority on 18.8.2018 stating that the appeal is not maintainable on the ground of limitation.

Perusal of the Memo however reflects that petitioner No.1 did not ask the appellate authority to take up the issue of maintainability of the appeal as a preliminary issue. Without seeking such relief, it is not open to the petitioners to come before this Court and ask for a Writ of Mandamus interdicting the statutory appellate authority from proceeding with the appeal.

The Writ Petition is accordingly dismissed leaving it open to the petitioners to file an appropriate application before the appellate authority requesting that the issue of maintainability be taken up as a preliminary issue before adjudication of the appeal on merits.

Pending Miscellaneous Petitions, if any, shall also stand dismissed. No order as to costs.

31st January, 2019
dr

JUSTICE SANJAY KUMAR