

THE HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.2244 OF 2019

ORDER

The prayer of the petitioners 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 any appropriate Writ, Order or direction more in the nature of Mandamus declaring the action of the Respondents 2 and 3 in not disposing of the appeal filed by the petitioners on 19-9-2018 under Section 90 of Telangana Area Tenancy and Agricultural Lands Act 1950 aggrieved by the order passed by the Respondent No.4 i.e. Tahsildar, Dahegaon Mandal, Kumram Bheem Asifabad District vide Proc. No. B/430/2016 dated 10-7-2018 in so far as it relates to not passing the order for restoration of possession of the land bearing Sy.No. 107 extent Ac. 17-19 guntas situated at Borlakunta village, Dahegaon Mandal, Kumram Bheem Asifabad District (erstwhile Adilabad District) pursuant to the orders passed by this Hon'ble Court in WA No. 1072 of 2016 and WP No.30118 of 2016 dated 31-10-2016 is nothing but arbitrary, unjustified and contrary to the provisions of Telangana Area Tenancy and Agricultural Lands Act, 1950 and pass such further or other orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.'

Learned Assistant Government Pleader for Revenue, State of Telangana, would inform this Court, having received instructions, that the appeal filed by the petitioners has not even been numbered till date.

Be it noted that the said appeal was filed as long back as in September, 2018. When the Joint Collector, Kumram Bheem Asifabad District, is vested with the quasi-judicial power of entertaining an appeal under the provisions of the Telangana Area Tenancy and Agricultural Lands Act, 1950, it is not open to him to treat the discharge of such

statutory functions lightly. Perusal of the record reflects that the office of the District Collector, Kumram Bheem Asifabad District, received the appeal filed by the petitioners on 19.09.2018 itself. That being so, the lassitude on the part of the statutory authority cannot be countenanced.

The writ petition is accordingly disposed of directing the District Collector/Joint Collector, Kumram Bheem Asifabad District, to take appropriate action in relation to the petitioners' appeal. In the event the appeal is found to be in order, the appellate authority shall number it and take steps to expeditiously hear the same after putting the respondents therein on notice and affording an opportunity of hearing to all the parties.

Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

11th FEBRUARY, 2019

Sv

SANJAY KUMAR, J