

THE HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.2815 OF 2019

ORDER

The grievance of the petitioners is that the Revenue Divisional Officer, Sanga Reddy, Sanga Reddy District, is not disposing of the Appeal bearing No.A3/504/18. The said appeal was filed by the petitioners under Section 5(5) of the Telangana Rights in Land and Pattadar Pass Books Act, 1971.

Earlier, the petitioners filed W.P.No.27518 of 2018 aggrieved by the delay on the part of the appellate authority in dealing with this appeal. The said writ petition was disposed of by order dated 06.08.2018 directing the appellate authority to consider disposing of the appeal as expeditiously as possible and preferably within three months from the date of receipt of a copy of the said order. Despite the same, it appears that the appeal is still kept pending.

Learned Assistant Government Pleader for Revenue, State of Telangana, having received instructions, would inform this Court that the appeal was taken up for hearing on two occasions and has been adjourned to 15.02.2019.

Sri J.Kanakaiah, learned counsel for the petitioners, would inform this Court that the petitioners filed an interlocutory stay application in the pending appeal on 04.12.2018 and that the same may be directed to be considered by the appellate authority.

In the light of the order proposed to be passed by this Court without going into the merits of the matter, it is not necessary to put the

unofficial respondents 6 and 7 on notice and afford them an opportunity of hearing.

It is no doubt true that the Court did not fix any time frame in positive terms for the disposal of the appeal. However, a statutory appellate authority is required to take up such appeals on priority basis as valuable property rights of the parties would be at stake. When the Court expressed its desire that the appeal should be disposed of preferably within three months, the appellate authority ought to have endeavoured to dispose of the appeal within that time. Adjourning the matter time and again at the request of one or the other party would only lead to unnecessary protraction of the litigation. In any event, as the petitioners have now filed an interlocutory application seeking stay pending disposal of the appeal, it would be appropriate that the appellate authority at least considers the said application on its own merits and in accordance with law even if it is not in a position to dispose of the appeal expeditiously.

The writ petition is accordingly disposed of directing the Revenue Divisional Officer, Sanga Reddy, Sanga Reddy District, to consider and dispose of the appeal filed by the petitioners in Appeal No.A3/504/18 expeditiously and in any event, within two months from the date of receipt of a copy of this order. Further, the appellate authority shall consider the stay application filed by the petitioners therein on its own merits and in accordance with law within one week from today. Be it noted that this Court has not gone into the merits of the matter and it is open to the appellate authority to deal with the appeal as well as the stay application filed therein on their own merits and in accordance with law.

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

13th FEBRUARY, 2019

Sv

SANJAY KUMAR, J