

THE HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.4096 of 2019

ORDER:

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 Writ, order or direction preferably Writ of Mandamus declaring inaction of the 3rd respondent in considering and disposing off ROR Appeal No.A3/2739/2018 filed by the petitioner in respect of the land admeasuring Ac.1.21gts in Sy.No.406/A/2 situated at Rajeswarapuram Village of Nelakondapally Mandal of Khammam District as illegal, arbitrary and violative of principles of natural justice and consequently direct the 3rd respondent to consider and dispose of the said appeal within a reasonable time by following due process of law and pass such other or further orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.’

In the light of the order proposed to be passed by this Court without going into the merits of the matter, it would not be necessary to put the fifth respondent on notice or afford him an opportunity of hearing.

Perusal of the record reflects that the Revenue Divisional Officer, Khammam, took the appeal submitted by the petitioner under Section 5-B of the Telangana Rights in Land and Pattadar Pass Books Act, 1971, on file and numbered it as ROR Appeal No.A3/2739/2018. This appeal was filed in December, 2018. The notice issued to the parties indicated that the appeal was proposed to be taken up for hearing on 03.01.2019. However, the grievance of the petitioner was that no hearing took place on the said date.

On 27.02.2019, the learned Assistant Government Pleader for Revenue, State of Telangana, was asked to get instructions as to what

happened to the case on 03.01.2019 and as to the next date of its posting.

Today, the learned Assistant Government Pleader would inform this Court that on 03.01.2019, the matter was adjourned to 07.02.2019 but he does not know as to the status of the appeal as on date.

It is not open to the Revenue Divisional Officer, Khammam, the statutory appellate authority, to entertain the appeal and thereafter keep it pending indefinitely. Valuable property rights of the parties would be at stake and delay on the part of the authority concerned would inevitably negate such rights. Further, the very purpose of providing a hierarchy of statutory remedies would be rendered futile if the statutory authorities do not discharge their quasi-judicial functions promptly and without undue delay.

The writ petition is accordingly disposed of directing the Revenue Divisional Officer, Khammam, to consider the petitioner's appeal on its own merits and in accordance with law and dispose of the same after hearing both sides. This exercise shall be completed expeditiously and in any event, not later than three months from the date of receipt of a copy of this order, be it from whatever source.

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

JUSTICE SANJAY KUMAR

Date:07.03.2019

PGS