

HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION No.4314 OF 2019

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking the following relief:

“For the reasons stated in the accompanying affidavit it is prayed that the Hon'ble Court may be pleased to issue a writ of mandamus or any other appropriate writ, declaring the action of respondent No.2 in not passing any orders in IA No.70/2013 in OS No.82 of 2015 on the file of Agent to Government (District Collector), Bhadradri Kothagudem District, as illegal, arbitrary and unconstitutional and consequently direct the respondents to stop illegal constructions and creating third parties in respect of 3 acres 30 gts of land in Sy.No.138/4 of Bandarugudem Village, Manuguru Mandal, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of Justice.”

2. Heard Sri K.Jagadishwar Reddy, learned counsel for the petitioners and learned Government Pleader for Social Welfare for respondents 1 & 2.

3. The case of the petitioners is that the petitioners' father is the owner and possessor of Ac.3.30 guntas of land in Survey No.138/4 of Bandarugudem Village, Manuguru Mandal, Khammam District. When the petitioners came to know that the names of the unofficial respondents were recorded in the revenue records for the years 2003-04 by playing fraud and misleading the revenue officials, the petitioners preferred OS.No.82 of 2005 along with IA.No.55 of 2005 seeking declaration of title and injunction. The 2nd respondent granted interim *status quo*, by order, dated 07.09.2007, in IA.No.55 of 2005 and thereafter, on 18.08.2012, the suit was dismissed for default. However, the petitioner filed an

application in IA.No.70 of 2013 seeking restoration on 02.02.2013 and the same is pending before the 2nd respondent. Aggrieved by the same, the petitioner filed this writ petition.

4. Without going into the merits of the case, this Court feels that it would be just and proper to dispose of the writ petition by directing the 2nd respondent to pass appropriate orders on the restoration application i.e., IA.No.70 of 2013 in OS.No.82 of 2005, as expeditiously as possible and also to decide the suit in OS.No.82 of 2005, preferably within a period of six (06) months from the date of receipt of a copy of this order.

6. With the above observations, the Writ Petition is disposed of.

There shall be no order as to costs.

Miscellaneous Petitions, if any pending, shall stand closed.

T.AMARNATH GOUD, J

Date: 23rd April, 2019

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