

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.5239 of 2019

ORDER:

The prayer of the petitioner 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 action of respondent No.1 in closing Revision petition No.D1/246/2014 on 14.06.2016 on the representation of the Counsel for the revision petitioner/respondent No.4 is intending to file civil suit is bad, illegal, arbitrary since respondent No.1 has powers to dispose of the revision on merits under the provisions of AP Rights in Land and Act, 1971 r/w Rules, 1989, in the passed by the Respondent No.3 are in not following due procedure and to set aside the same and consequently direct respondent No.1 to dispose of Revision Petition No.D1/246/2014 on merits and in accordance with law and pass such other order or orders as this Honourable Court may deem fit and proper in the facts and circumstances of the case."

Perusal of the order dated 14.6.2016 passed by the Joint Collector, Karimnagar, in Revision Petition No.D1/246/2014 demonstrates that the revision petitioner therein, the brother of the petitioner, instructed his counsel to pray that the Revision Petition may be dismissed as closed. Interestingly, the petitioner herein is not even a party to the said Revision.

The grievance that is now sought to be ventilated by the petitioner is that the revisionary authority ought not to have closed the Revision Petition upon the representation made by the learned counsel for the revision petitioner.

It is not the case of Sri C.Ramesh Sagar, learned counsel for the petitioner, that the revision petitioner did not instruct his counsel to get the Revision Petition dismissed.

That being so, it is not open to the Court to insist upon a party to prosecute a case instituted by it against its will. It would always be within the domain of the revision petitioner to state that he is no longer interested in pursuing the Revision and get it dismissed on that ground. That is exactly what has happened in the case on hand. This Court therefore finds no grounds to entertain this Writ Petition which is wholly devoid of merit.

The Writ Petition is accordingly dismissed at the threshold.

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

14th March, 2019
dr

JUSTICE SANJAY KUMAR

