

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.6097 of 2019

ORDER:

1 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 writ or direction more particularly one in the nature of writ of Mandamus Mandamus declaring the action of the Respondent2 in not passing of any interim order in File No D1/77/2018 pending appeal before the Respondent2 as illegal arbitrary and against the law and consequently suspend the order passed by the Respondent3 vide Proceedings File No 191/2018 Dt 06.04.2018 and pass and pass such other relief or reliefs as this Hon’ble Court deems fit and proper in the circumstances of the case.”

2 In the light of the order proposed to be passed in this Writ Petition without going into the merits of the matter, it would not be necessary to put the 5th respondent on notice or afford her an opportunity of hearing.

3 Admittedly, the revision filed by the petitioner under Section 9 of the Telangana Rights in Land and Pattadar Passbooks Act, 1971, is pending consideration before the Joint Collector, Mahabubnagar. The record also reflects that the petitioner filed a stay application in the said revision as long back as in July 2018 and the same was also taken on file by the revisionary authority.

4 It is not open to the revisionary authority to remain somnolent when a stay petition is preferred by a party seeking protection pending disposal of the main case. Valuable property rights of the parties would be at stake and in the event the revisionary authority is unable to take up and dispose of the main case expeditiously, it is incumbent upon the said authority to at least adjudicate upon the interlocutory application filed for interim relief. Failure on the part of the statutory authorities to discharge their quasi-judicial functions in relation to the remedies provided to the parties under the statute would render the very purpose of this exercise superfluous.

5 The Writ Petition is accordingly disposed of directing the Joint Collector, Mahabubnagar, now Narayanpet District, to take up the stay application filed by the petitioner in the pending revision bearing case No.D1/77 of 2018 and pass appropriate orders thereon, after giving due opportunity of hearing to both sides, expeditiously and in any event, not later than four weeks from the date of receipt of a copy of this order.

5 Pending Miscellaneous Petitions, if any, shall stand closed. No order as to costs.

25th March, 2019.

*Copy in 3 days
Kvsn*

JUSTICE SANJAY KUMAR

