

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.6208 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 5th Respondent in directing to mutate non-agricultural land of (i) Acs.8.06 gts in Sy.No.43/A and (ii) Acs.3.35 gts in Sy.No.52/A of Kandlakoi Village, Medchal Mandal, Medchal-Malkajgiri District, in favour of unofficial respondents vide impugned order No.B/56/2018 dated 28.4.2018 though the said land was alienated to petitioners vendors in 1964 and 1966 and though they were permanently enjoined from interfering with the said land under judgments and decrees (i) dt 20.7.1966 in O.S.No.69/1964 (ii) dated 13.11.1973 in O.S.No.426/1966 (iii) dt 28.9.2000 in O.S.No. 147/1996 and (iv) dt 29.3.2004 in O.S.No.71/1999 as illegal, unjust, arbitrary, without jurisdiction, vitiated by mala fides, violative of Principles of Natural Justice, and in violation of Articles 14, 19, 21 and 300A of the Constitution of India and contrary to the provisions of Record of Rights Act, 1971, and consequently set aside impugned order dt 28.4.2018 and direct respondents to delete the names of unofficial respondents and restore petitioners name to the extent of his land in the subject land to pass such other order or orders as this Honourable Court may deem fit and proper in the facts and 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 respondent Nos.8 to 12 on notice or afford them an opportunity of hearing at this stage.

The grievance of the petitioner is with the order dated 28.4.2018 passed by the Tahsildar, Medchal Mandal, Medchal-Malkajgiri District, whereby he directed rectification of the entries in relation to the lands in Survey Nos.43/A and 52/A of Kandlakoi Village, Medchal Mandal, Medchal-Malkajgiri District. He also directed that *status quo* should be maintained with regard to

possession of the lands in the said Survey numbers till final orders are passed by the learned Principal District Judge, Ranga Reddy District, in O.S.No.754 of 2007.

It is an admitted fact that aggrieved by the aforestated order dated 28.4.2018, the petitioner preferred an appeal under Section 5(5) of the Telangana Rights in Land and Pattadar Passbooks Act, 1971, before the Revenue Divisional Officer, Keesara Division, Medchal-Malkajgiri District. The same was taken on file in Case No.A2/876/2018 and the appellate authority issued notice to the parties in the said appeal as long back as on 08.6.2018.

Sri S.Ramachandra Rao, learned senior counsel appearing for Sri I.Aranya Saurabh, learned counsel for the petitioner, would state that despite the long lapse of time since the issuance of the aforestated notice, the appellate authority has not taken up even the interlocutory application filed in the appeal for consideration.

As the petitioner already invoked the appellate remedy available to him under the statute, it is not open to him to initiate parallel proceedings before this Court by way of this Writ Petition. It would be appropriate that he pursues the remedy already invoked to its logical conclusion.

That being said, it must also be noted that statutory authorities are required to be prompt in discharging their quasi-judicial functions while dealing with the cases which come before them in terms of the statutory provisions. In the event such an authority is not in a position to dispose of the main case

expeditiously, it is incumbent upon it to at least deal with the interlocutory application filed therein for interim relief pending disposal of such main case.

In the case on hand, the delay on the part of the Revenue Divisional Officer, Keesara Mandal, Medchal-Malkajgiri District, is demonstrable as he admittedly failed to pass orders, be it in the main appeal or at least in the interlocutory application filed therein.

The Writ Petition is accordingly disposed of directing the Revenue Divisional Officer, Keesara Mandal, Medchal-Malkajgiri District, to either pass orders in the main appeal in Case No.A2/876/2018, if possible, or in the alternative, take up the interlocutory application filed therein for grant of interim relief and pass appropriate orders thereon, after giving due opportunity of hearing to both parties. The Revenue Divisional Officer shall endeavour to take recourse to either of the aforestated steps and pass appropriate orders expeditiously and in any event, not later than four weeks 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.

26th March, 2019
dr

JUSTICE SANJAY KUMAR