

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.46385 of 2018

ORDER:

The prayer of the petitioners, six in number, is as under:

'For the reasons stated in the accompanying affidavit, it is therefore, 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 inaction of the 3<sup>rd</sup> Respondent in issuing Occupancy Right Certificate (ORC) in favour of the petitioners in respect of land total admeasuring Acres 06.00 Guntas, comprising of Acres 01-35 Guntas in Survey No.647, Acres 01-28 Guntas in Survey No.648, Acres 00-31 Guntas in Survey No.659 and Acres 01-26 Guntas in Survey No.660, situated at Malkajgiri Village and Mandal, Medchal-Malkajgiri District, pursuant to the orders issued by the 2<sup>nd</sup> Respondent, dated 06-12-2008 in file No.F1/1276/2008, as illegal, arbitrary, unconstitutional apart from being in violation of principles of natural justice and contrary to the provisions of A.P. (Telangana Area) Abolition of Inams Act, 1955, and rules made thereunder, consequently, direct the 3<sup>rd</sup> Respondent to issue Occupancy Right Certificate in favour of the Petitioners herein in respect of the said land and pass such other order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.'

By order dated 06.12.2008, the Joint Collector-I, Ranga Reddy District, allowed the appeal filed by the petitioners and directed the Revenue Divisional Officer, Chevella Division, Ranga Reddy District, to issue an Occupancy Rights Certificate under the Andhra Pradesh (Telangana Area) Inams Abolition Act, 1955, to the petitioners/appellants in respect of the land bearing Sy.No.647 (Ac.1.35 guntas), Sy.No.648 (Ac.1.28 guntas), Sy.No.659 (Ac.0.31 guntas), and Sy.No.660 (Ac.1.26 guntas), totally admeasuring Ac.6.00 guntas, situated at Malkajgiri Village & Mandal, Ranga Reddy District, by collecting the required premium amount. Aggrieved by this order, the legal representatives of the first respondent in the appeal before the Joint Collector-I, Ranga Reddy District, approached this Court and their case was ultimately taken up as C.R.P.No.991 of 2017. The said C.R.P. was dismissed as withdrawn on 26.07.2017 duly taking into account the fact that the rival parties entered into a compromise and reduced it into writing under the Memorandum of

Terms of Compromise dated 20.07.2017, whereby they agreed to the withdrawal of the civil revision petition. The order dated 26.07.2017 makes it clear that the terms of compromise as arrived at by and between the parties was taken on record and in the light thereof, the civil revision petition was dismissed duly vacating the interim orders which remained operative during its pendency.

Be it noted that the Chief Executive Officer of the erstwhile Andhra Pradesh State Wakf Board, Hyderabad, who was respondent No.6 in the appeal before the Joint Collector-I, Ranga Reddy District, did not choose to assail the findings recorded therein to the effect that the notification dated 09.02.1989 issued under Section 4(1) of the Wakf Act, 1995, was not binding upon the appellants.

Aggrieved by the inaction of the authorities in giving effect to the order dated 06.12.2008 passed by the Joint Collector-I, Ranga Reddy District, which now stands confirmed by virtue of the dismissal of C.R.P.No.991 of 2017 and vacating of the stay orders granted therein, there is no reason why the revenue authorities should not give effect to the said order.

The writ petition is accordingly disposed of directing the Revenue Divisional Officer-cum-Inams Tribunal, Malkajgiri, Medchal-Malkajgiri District, to give effect to and implement the order dated 06.02.2008 passed by the Joint Collector-I, Ranga Reddy District, by duly issuing Occupancy Rights Certificates to the petitioners in terms of the Memorandum of Terms of Compromise dated 20.07.2017 which was taken on record in C.R.P.No.991 of 2017. This exercise shall be completed expeditiously and in any event, not later than three weeks from the date of receipt of a copy of this order.

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

JUSTICE SANJAY KUMAR

Date:02.01.2019

GJ

