

**HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

**WRIT PETITION No. 29072 of 2019**

**ORDER:**

This writ petition is filed for the following relief;

“to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Certiorari, calling for records pertaining to Orders dated 19.11.2019 in case No.F1/4886/2017, passed by the 3<sup>rd</sup> respondent herein, in appeal filed under Section 24 of A.P.(T.A) Abolition of Inams Act, 1955, by the Respondent No.6 & 7 herein as illegal, arbitrary, violative of Article 14 and 300-A of Constitution of India apart from being contrary to provisions of A.P. (T.A) Abolition of Inams Act, 1955 and consequently to set aside the Orders dt.19.11.2019 in Case No.F1/4886/2017 passed by the 3<sup>rd</sup> respondent herein and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Learned Counsel for the petitioner submits that though the petitioner specifically raised the aspect of limitation in the counter filed in the appeal before the 3<sup>rd</sup> respondent, without considering the same, the 3<sup>rd</sup> respondent allowed appeal filed by the unofficial respondents though the appeal is filed with enormous delay of 11 years. He also submits that though condonation application is filed, no separate order is passed condoning the delay nor anything is mentioned about the limitation in the impugned order which goes to show that the impugned order is passed without any application of mind. He also submits that the affidavit filed in support of condonation application is also bereft of reasons. He tried to argue the case on merits.

Both the counsel specifically states that respondents 12 to 15 are not necessary parties.

On the other hand Sri S.Niranjan Reddy, learned Senior Counsel appearing for unofficial respondents 6 to 11 also tried to argue the case on merits, but, could not point out anything from the impugned order that the 3<sup>rd</sup> respondent considered the aspect of limitation. He could not bring to the notice of this Court, any order passed by the 3<sup>rd</sup> respondent condoning the delay.

Though, a specific plea is raised before the 3<sup>rd</sup> respondent with regard to entertaining the appeal, no separate order is passed condoning the delay before entertaining the appeal nor the impugned order reflects regarding consideration of limitation by the 3<sup>rd</sup> respondent, which goes to show that the order is passed without application of mind.

Both the counsel submits that since this Court is going to set aside the impugned order on the ground of limitation, this Court need not go into the merits of the matter.

As such, without going into the merits of the case the impugned order dt.19.11.2019 is set aside and the matter is remitted back to 3<sup>rd</sup> respondent to consider the aspect of limitation raised by the petitioner and dispose of the appeal within a period of three months.

Accordingly, the writ petition is allowed. No order as to costs.

As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

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**A.RAJASHEKER REDDY, J**

22.01.2020  
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