

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.18728 of 2021

Date:23.08.2021

Between:

Eduluri @ Devara Shankaraiah,
S/o. Late Eduluri Ramaiah,
Aged 80 years, Occ: Agriculture,
R/o. 4-130/3, Kothaguda Village,
Abdullapurmet Mandal,
R.R. District and others.

.....Petitioners

And

The State of Telangana,
Rep., by its Principal Secretary,
Revenue Department, Secretariat,
Hyderabad & others.

.....Respondents

The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

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ORDER :

This writ petition is filed praying to grant the following relief:

“...to issue an appropriate Writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS, declaring the action of the respondent No.2 in not considering the Tenancy appeal filed by the petitioners on 24/02/2021 under sec. 90 of the A.P. (TA) Tenancy and Agricultural Lands Act 1950 against the order of the respondent No. 3 in Case No. B/4173/1995 are illegal, arbitrary, against the principles of natural justice and contrary to the provisions of A.P. (TA) Tenancy and Agricultural Lands Act 1950 and violative of Art. 14 and 21 of the Constitution of India, consequently direct the respondent No. 2 to hear the appeal and dispose of the appeal in accordance with law and pass..”

2. Heard Sri Srinivasa Murthy Cheedella, learned counsel for the petitioners, and learned Assistant Government Pleader for Revenue.

3. From the averments in the affidavit filed in support of the writ petition, it is noticed that the limited grievance of the petitioners is that 2nd respondent- District Collector, is not considering and disposing of the appeal preferred by them under Section 90 of A.P. (T.A.) Tenancy and agricultural Lands Act 1950 (for short ‘Act of 1950’).

4. Petitioners preferred appeal under Section 90 of Act of 1950, against the order of the Tahsildar, dated 16.12.1995, terminating the name of Sri Eduluri Ramaiah from the final record of protected tenancy rights and also seek continuation of names of Kesetti Laxmaiah as protected tenant in respect of land in Sy.No.159 to an extent of Ac.1.05 guntas of Guntapally Village, Abdullapurmet Mandal, Ranga Reddy District.

5. The copy of the appeal preferred is filed as Ex.P1. On the first page of the photocopy of appeal, there is an endorsement of Office of the District Collector, acknowledging receipt of the appeal on 24.02.2021.

6. In view of the same, the writ petition is disposed of, directing the 2nd respondent – District Collector, Rangareddy District, to verify whether any such appeal was received and the same is pending. On such verification, if it is found that the appeal was received and is pending, he shall cause notice on petitioners and respondents calling upon them to appear before him on a date notified by him, give opportunity of hearing and on due consideration of the respective submissions, pass orders assigning reasons in support of the decision. The entire exercise shall be completed within a period of ten (10) weeks from the date of receipt of copy of this order. It is made clear that there is no expression of opinion on merits and it is open to the respondents to raise all objections available in law to them before the appellate authority, including the issue of maintainability of the appeal. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO,J

23rd August, 2021
PT/TVK

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