

(2016) 08 AP CK 0058

In the Andhra Pradesh High Court

Case No : Writ Petition No. 26888 of 2016

Saint Francis Integrated English Medium School

APPELLANT

Vs

State of Andhra Pradesh

RESPONDENT

Date of Decision : 12-08-2016

Acts Referred:

Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 — Section 5(b)
Constitution of India, 1950 — Article 226

Citation : (2017) 1 ALT 40

Hon'ble Judges : Sri. A.V. Sesha Sai, J.

Bench : Single Bench

Advocate : Mr. Sitaram, Chaparla, Advocate, for the Petitioner; G.P. for Revenue (AP), for the Respondent Nos. 1 to 4; None appeared, for the Respondent No. 5

Final Decision : Disposed off

Judgement

Sri A.V. Sesha Sai, J. - This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

"to issue writ of Mandamus to declare the inaction of the 3rd respondent in deciding appeal Rc.B2 315/2010 preferred by the petitioner under Section 5(b) of A.P. Rights in Land and Pattadar Pass Book Act 1989 which was remanded by the Joint Collector vide proceedings case No. D.Dis (E. 10).3842/2009, Dated 30-01-2010 as highly illegal, arbitrary, against all canons of fair play and natural justice and also contrary" to the provisions of A.P. Rights in Land and Pattadar Pass Books Act 1971 and consequently direct the 3rd respondent to dispose the appeal forthwith."

2. Heard Sri Sitaram Chaparla, learned counsel for the petitioner and learned Government Pleader for Revenue for respondents.

3. The petitioner herein filed a revision before the Joint Collector, Nellore against the endorsement given by the Revenue Divisional Officer, Gudur in L.Dis. No. 1021/2009, dated 14-07-2009. The Joint Collector, Nellore-respondent No.2

herein passed an order vide case No. D.Dis. (E10). 3842/2009, dated 30-01-2010. The operative portion of the said order reads as under:

"After perusing the written arguments filed by the counsel of Petitioner/Respondent, and based on other material available on record, it is hereby ordered that the matter is to be remanded to Revenue Divisional Officer, Gudur to take it on appeal under Section 5(b) of the A.P. Rights in land & Pattadar Pass Book Act 1989 duly relaxing the appeal limitation period and dispose off the appeal case on merits while giving suitable opportunity to the revision petitioner to present his contention in this case."

4. According to the learned counsel for the petitioner, though the 2nd respondent passed orders as long back as on 9-1-2010 on orders have been passed by the 3rd respondent - Revenue Divisional Officer on the appeal bearing Rc.B2 315/2010 preferred by the petitioner under the provisions of Section 5 (b) of A.P. Rights in Land and Pattadar Pass Books Act, 1971.

5. Having regard to the nature of controversy, this Court does not find any valid reason on the part of the 3rd respondent to keep the appeal pending for all these years. The 3rd respondent is required to pass orders on the appeal in one way or the other, in accordance with law. In the facts and circumstances of the case, this Court is of the considered opinion that the ends of justice would be served if the 3rd respondent is directed to pass appropriate orders on the appeal bearing Rc.B2 315/2010 filed by the petitioner against the orders of the Tahsildar, Venkatagiri on 5-1-2008, by fixing some timeframe.

6. For the aforesaid reasons, the writ petition is dispose of, directing the 3rd respondent to pass appropriate orders on the appeal filed by the petitioner vide Rc. B2 315/2010, within a period of eight (8) weeks from the date of receipt of a copy of this order, in accordance with law, after giving notice and opportunity of bearing heard to the petitioner herein.

7. Miscellaneous Petitions pending, if any, shall stand closed. There shall be no order as to costs.