

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

-

WRIT PETITION No.13142 of 2005

ORDER:

Heard the learned counsel for petitioner and the learned Government Pleader for Social Welfare for respondents 1 to 3.

2. The petitioner is a resident of Kakarla Village, Jullurpad Mandal, Khammam District. She purchased land of an extent of Acs.2-07 guntas in survey No.75 and Acs.5-23 guntas in survey No.78 of Padamatanarasapuram Village, Jullurupad Mandal, Khammam District on 11.06.1969 from the father of the fourth respondent. While so, the father of the fourth respondent filed Case No.188/90/JLP before the second respondent claiming the said land on the ground that the petitioner is non-tribal and the transaction between a tribal and non-tribal is invalid under the provisions of the Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959 (for short, the Regulations). The second respondent passed an order on 14.06.1990 holding that the transaction was not hit by the provisions of the Regulations, as it took place prior to the coming into the force of the Regulations as amended by the Regulation 1 of 1970. After the death of fourth respondent's father, the fourth respondent again initiated proceedings claiming the said land before the second respondent and the same was numbered as Case No.120/99/JLP. The second respondent passed an order of ejectment on 16.04.2005, against which, an appeal was preferred before the first respondent. The appeal was preferred along with an application for stay and when no orders were passed in the stay application, the present Writ Petition was filed.

3. This Court, by order dated 20.06.2005, granted interim stay.

4. Now, when the Writ Petition came up for hearing, the learned counsel for the petitioner as well as the learned Government Pleader are unable to inform the

state of the appeal alleged to have been filed by the petitioner against the order dated 16.04.2005 passed by the second respondent.

5. In the circumstances, the Writ Petition is disposed of directing the first respondent to dispose of the appeal filed by the petitioner, if it is pending, within a period of three months from the date of receipt of a copy of this order. Till disposal of the appeal, the order of interim stay granted by this Court on 16.04.2005 shall continue to operate. If the appeal was already disposed of, this Writ Petition becomes infructuous and it is open for the petitioner to take appropriate steps against the orders of the first respondent, if he is so advised. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

Date: 10.04.2015

TJMR