

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.30015 OF 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue a writ or direction preferably writ of mandamus declaring the action of the 1st respondent in not passing appropriate orders either on the stay petition or on the revision itself filed on 28-8-2015 against the order of the 2nd respondent dt:1-8-2015 in C.M.A.No.45/2012 confirming the order of the 3rd respondent in Case No.2/VKP/2008 dt:1-3-2008 as illegal, arbitrary and violative of principles of natural justice and consequently direct the 1st respondent to consider and dispose of the stay petition or the revision itself within a reasonable time and further direct the respondents or their subordinate staff not to dispossess the petitioner from land in Sy.No.44 to an extent of Ac.0-03 gts, (House bearing NO.7-203/A) situated at Venkatapuram (Z) Venkatapuram Mandal of Khammam Dist., pending disposal of the revision on the file of the 1st respondent.”

2. Heard Sri M.V.Hanumantha Rao, learned counsel for the petitioner and learned Government Pleader for Social Welfare appearing for the respondents 1 to 4, apart from perusing the material available on record.

3. The Agency Divisional Officer & Sub Collector, Bhadrachalam, Khammam District – 3rd respondent herein pressed into service the provisions of the A.P.Schedule Areas Land Transfer Regulation and passed an order, ordering ejectment of the petitioner from the land admeasuring Acres 0.03 guntas (House bearing No.7-203/A) situated at Venkatapuram Village and Mandal, Khammam District, vide orders in case No.2/VKP/2008, dated 01.03.2008. As against the said orders of ejectment, the petitioner herein preferred CMA No.45/2012 before

the Additional Agent to Government & Project Officer – 2nd respondent herein. The 2nd respondent vide orders dated 01.08.2015 dismissed the said appeal, confirming the orders of ejectment passed by the 3rd respondent. Questioning the validity of the said orders passed by the respondents 2 and 3, the petitioner preferred revision before the 1st respondent on 28.08.2015 and also filed an application for stay.

5. The grievance of the petitioner herein is that though he filed revision and also an application for stay, no orders have been passed by the 1st respondent, either on the revision or on the stay application, and in view of the same the Tahsildar, Venkatapuram Mandal, the 4th respondent herein is contemplating to evict him from the subject property and attempting to file a complaint as per the directions of the 2nd respondent.

6. A perusal of the order passed by the 2nd respondent manifestly discloses that the 2nd respondent, while dismissing the appeal filed by the petitioner, issued directions to register a complaint against the petitioner and his supporters before the concerned police station.

7. In the facts and circumstances of the case, this Court is of the considered opinion that the ends of justice would be met, if a direction is given to the 1st respondent to pass appropriate orders on the revision filed by the petitioner by fixing some time frame.

8. For the foregoing reasons, the writ petition is disposed of, directing the 1st respondent to pass appropriate orders on the revision petition dated 28.08.2015 filed by the petitioner herein against the orders of the 2nd respondent dated 01.08.2015 in C.M.A.No.45 of 2012, in accordance with law, within a period of three months from the date of receipt of a copy of this order. Till such exercise takes finality, there shall be status quo with regard to the subject property.

9. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

15th September, 2015
SS

A.V.SESHA SAI,J