

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

WRIT PETITION No.22841 of 2015

ORDER:

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 action of respondents 2 to 4 to assign the lands of the petitioner to the 3rd parties inspite of pendency of the revision before the 1st respondent as illegal, arbitrary and unjust and consequently direct the respondents not to assign the lands to an extent of Ac.2-93 cents in Sy.No.94/1 of Sarabhavaram village, Rajavommangi mandal, East Godavari District to any 3rd party pending disposal of the revision before Government in the interest of justice.”

Heard Sri K. Venkatesh, learned counsel for the petitioner, learned Government Pleader for Social Welfare and learned Government Pleader for Revenue, apart from perusing the material available before this Court.

The Special Deputy Collector (Tribal Welfare), Rampachodavaram – 3rd respondent herein pressed into service the provisions of Land Transfer Regulation Act and passed an order, dated 28-11-2001 in L.T.R.P.No.01 of 1999, ordering ejectment of the petitioner from the land admeasuring Ac.2-93 cents in Sy.No.94/1 of Sarabhavaram village, Rajavommangi mandal, East Godavari District.

Aggrieved by the said order of ejectment passed by the 3rd respondent herein, the petitioner herein preferred C.M.A.No.23 of 2007 on the file of Additional Agent to the Government,

Rampachodavaram – 2nd respondent herein. The 2nd respondent herein, by virtue of an order, dated 27-04-2009, disposed of the said C.M.A.No.23 of 2007, setting aside the order passed by the 3rd respondent and further directing the respondents to evict the non tribal respondents or any other person and to restore the same to the Government for onward assignment to the tribals.

As against the said order passed by the 2nd respondent, the petitioner herein filed revision under Section 6 of the A.P. Scheduled Areas Land Transfer Regulation 1 of 1959 before the 1st respondent – State Government on 06-07-2009. Along with the said revision, petitioner herein also filed a stay application. The State Government vide letter No.7513/LTR-2/2009, dated 09-10-2009 refused to grant stay, while admitting the revision petition filed by the petitioner herein.

As a sequel to the said order the Government took over the possession of the subject property. The said revision, according to the petitioner herein, is still pending consideration before the State Government.

In view of the above background, now the present writ petition has been filed contending, *inter alia*, that though the 4th respondent – Tahsildar is fully aware of the pending of the revision before the 1st respondent is taking steps to assign the lands in favour of the tribals in the village. It is the case of the petitioner herein that if the same is permitted the petitioner herein will be put to lot of hardship and irreparable loss and the same would render

the revision infructuous.

As the revision filed by the petitioner herein is still pending consideration before the Government, in the facts and circumstances of the case, this Court deems it appropriate to direct the 1st respondent herein to pass appropriate orders on the said revision filed by the petitioner herein on 06-07-2009. This Court is also of the considered opinion that the ends of justice would be met if *status quo* as on today is directed to be maintained till the said revision is disposed of finally by the State Government.

For the aforesaid reasons, the writ petition is disposed of, directing the 1st respondent – State Government to pass appropriate orders on the revision, dated 06-07-2009 filed by the petitioner herein within a period of three (3) months from the date of receipt of a copy of this order. Till the said exercise attains finality *status quo* as on today with regard to the subject lands admeasuring Ac.2-93 cents situated in Sy.No.94/1 of Sarabavaram village, Rajavommangi mandal, East Godavari district shall be maintained. There shall be no order as to costs.

The Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A.V. SESA SAI, J

July 23, 2015

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