

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

WRIT PETITION No.28955 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 in action of the 1st respondent in passing appropriate orders in the revision petition or stay petition filed on 3-8-2015 filed against the order of 2nd respondent dated. 02-05-2015 in C.M.A.No.10/2011 and the order of the 3rd respondent dated 18-1-2005 in LTR Case No.202/98/ENK, as illegal arbitrary, and violative of principles of natural justice and consequentially direct the respondent No.1 to consider and dispose of the Revision within a reasonable time and also further direct the respondents 1 to 4 herein, not to dispossess the petitioner from possession and enjoyment of the subject property in Sy.No.119/19 measuring to an extent of Ac.17-00 gts situated at Nacharam village of Enkoor Revenue Mandal, Khammam District., pending disposal of the revision on the file of the 1st respondent.”

Heard Sri Kowturu Vinaya Kumar, learned counsel for the petitioner and learned Government Pleader for Social Welfare for the respondents 1 to 4.

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The Special Deputy Collector, Bhadrachalam, Khammam District, the 3rd respondent herein pressed into service the provisions of the A.P. Scheduled Areas Land Transfer Regulations and passed an order, ordering ejectment of the petitioner from the land, admeasuring Ac.17-00 guntas in Sy.No.119/19 situated at Nacharam Village, Enkoor revenue Mandal, Khammam District, vide orders in case No.202/98/ENK, dated 18-01-2015. As against the said orders of ejectment, the petitioner herein preferred CMA No.10 of 2011 before the Additional Agent to Government, the 2nd

respondent. The 2nd respondent vide orders dated 02-05-2015 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 03-08-2015, and also filed an application for stay. 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, Enkoor 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.

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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. 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.

For the foregoing reasons, the writ petition is disposed of, directing the 1st respondent to pass appropriate orders on the revision petition dated 03-08-2015, filed by the petitioner herein against the orders of the 2nd respondent dated

02-05-2015 in C.M.A.No.10 of 2011, in accordance with law, within a period of three months from the date of receipt of a copy of this order. Till the said exercise attains finality, *status quo* as on today shall be maintained with regard to the subject properties.

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

A.V. SESA SAI, J

September 08, 2015

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