

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

WRIT PETITION No.23479 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 declaring the inaction of 1st and 2nd respondents (Revision authority) in not staying the operation of the order dated 02.05.2015 in C.M.A.No.37 of 2008 of 3rd respondent herein confirming the 4th respondent order dated 24.08.2007 made in L.T.R. Case No.36/2007/ENK of 3rd respondent, in the revision dated 29.06.2015 filed before the 2nd respondent by the petitioner and not considering order of *res judicata* dated 12.06.1998 passed by 4th respondent is illegal and arbitrary.”

Heard Sri S.Madan Mohan Rao, learned counsel for the petitioner and learned Government Pleader for Social Welfare for respondents.

According to the petitioner, he is the owner and possessor of the land admeasuring Acs.1.35 guntas out of Acs.2.32 guntas in Survey No.62/A situated at Medepalli Village, Enkur Mandal, Khammam District. The Special Deputy Collector, Bhadrachalam, Khammam District-4th respondent pressed into service the provisions of Land Transfer Regulations and passed an order of ejectment against the petitioner. As against the said order of ejectment, the petitioner preferred CMA No.37 of 2008 before the Additional Agent to Government, Bhadrachalam-3rd respondent. The 3rd respondent by way of an order dated 02.05.2015 dismissed the said appeal filed by the petitioner, thereby confirming the order of ejectment passed by the 4th respondent.

Calling in question the validity and legal sustainability of the said orders passed by the Additional Agent to Government and Special Deputy Collector, the petitioner preferred a statutory revision dated 29.06.2015 before the 2nd respondent. Along with the said revision, the petitioner also filed an Interlocutory Application supported by an affidavit seeking stay of the order passed by the Appellate authority.

The grievance of the petitioner is that though he filed Revision and stay

application as long back as on 29.06.2015, no orders have been passed by the 2nd respondent and in view of the same, the 5th respondent-Tahsildar, Enkur Mandal is making hectic efforts to implement the order of the 3rd respondent. It is further stated that if the same is allowed to continue and the petitioner is dispossessed from the subject lands, he has to suffer irreparable hardship and injury.

A Perusal of the order passed by the Appellate authority manifestly discloses that the Appellate authority while dismissing the appeal filed by the petitioner specifically directed the Tahsildar, Enkur Mandal-5th respondent to take over the subject lands into the Government custody by evicting the concerned persons and to register a complaint in the police station having the jurisdiction.

Taking into consideration the totality of the circumstances and the nature of the controversy in the writ petition, this Court is of the considered opinion that the ends of justice would be met if a direction is given to the 2nd respondent to pass appropriate orders on the revision filed by the petitioner by fixing some time frame.

For the aforesaid reasons, the Writ Petition is disposed of directing the 2nd respondent to pass appropriate orders on the revision dated 29.06.2015 filed by the petitioner within a period of three months from the date of receipt of a copy of this order. Till such exercise attains finality, *status quo* obtaining as on today shall be maintained by both the parties with regard to the subject property. No costs.

As a sequel, miscellaneous applications, if any, shall stand closed.

A.V. SETHA SAI, J

Date : 29.07.2015

ssp