

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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W.P.No. 959 of 2015

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DATE: 28.01.2015

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Between:

D. Padmanabha Naidu .. Petitioner

And

1. The State of Andhra Pradesh
2. The Collector
3. The Revenue Divisional Officer
4. The Tahsildar .. Respondents

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ORDER:-

The petitioner claims to be the owner and possessor of the dry land in an extent of Ac.4.02 cents in Sy.No.90/3 situated in Gudimallam village, Yerpedu Mandal, Chittoor District and the 4th respondent-Tahsildar granted DKT patta No.394 on 08.02.2005 and issued pattadar passbook and title deed in his favour, and the petitioner raised standing Sesame Crop (Nuvvulu) in the land. While so, it is

stated that the Tahsildar issued a notice dated 28.08.2014 indicating that the lands assigned would be resumed as they are required for the purpose of development of Sri Parasurameswara Swamy Temple. The petitioner submitted his explanation dated 03.09.2014, however, the Tahsildar, being not satisfied with the explanation, issued proceedings dated 18.11.2014 cancelling DKT patta granted in favour of the petitioner. Being aggrieved by the order of the Tahsildar, the petitioner, on 17.12.2014, preferred a statutory appeal before the 3rd respondent-Revenue Divisional Officer along with an application seeking stay of the impugned order. Now, the petitioner's grievance is that even though he preferred the appeal on 17.12.2014, the 3rd respondent has not passed any orders on the application for stay so far and further the Tahsildar is taking hectic steps to evict the petitioner from his land. Hence, the present writ petition is filed seeking appropriate directions.

The learned Government Pleader for Revenue appearing for the respondents even though opposes grant of any relief to the petitioner in the writ petition on the ground that the petitioner has already availed remedy of filing a statutory appeal and the same is pending adjudication before the

3rd respondent, but fairly submits that a direction may be given to the 3rd respondent to dispose of the appeal at an early date.

Heard the learned counsel for both the parties and perused the material placed on record.

In the circumstances and considering the fact that the appeal said to have been preferred by the petitioner on 17.12.2014 is pending adjudication before the 3rd respondent and in view of the stand taken by the learned Government Pleader, this Court is not inclined to go into the merits of the case, but deems it appropriate to dispose of the writ petition with the following direction:

“The 3rd respondent-Revenue Divisional Officer is directed to consider and dispose of the statutory appeal said to have been preferred by the petitioner on 17.12.2014, as expeditiously as possible, preferably within a

period of three months from today. Pending disposal of the appeal, the respondents shall not interfere with the possession and enjoyment of the petitioner over the land in question.”

With the above direction, the writ petition is disposed of. No order as to costs.

As a sequel to the disposal of the writ petition, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

CHALLA KODANDA RAM, J

28.01.2015

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