

HONOURABLE SRI JUSTICE A. V.SESHA SAI

WRIT PETITION No. 32926 of 2015

DATED 7th OCTOBER, 2015

BETWEEN

Yele Surya Prakash Rao

...Petitioner

And

The State of Telangana, rep. by its

Principal Secretary, Tribal Welfare Department,

Secretariat, Hyderabad and ors.

...Respondents.

HONOURABLE SRI JUSTICE A. V.SESHA SAI

WRIT PETITION No. 32926 OF 2015

ORDER:

This Writ Petition under Article 226 of the Constitution of India is filed for the following relief:

“.....to issue Writ, order or direction more in the nature of Mandamus declaring action of the respondents in seeking to evict the petitioner from his land in Sy.No.76/1 to an extent of Ac.0.05

cents situated at Bhadrachalam village of Bhadrachalam Mandal of Khammam District in pursuance of the orders passed by the Additional Agent to Government, Bhadrachalam in C.M.A.No.42/2010, dated 27.06.2015 communicated on 10.07.2015 confirming the orders passed by the Agency Divisional Officer, Bhadrachalam in LTR Case No. 24/BCM/2008, dated 30.05.2008 pending disposal of the Revision filed before the first respondent as arbitrary, illegal and violative of Articles 14, 21 and 300(A) of the Constitution of India and consequently declare that the respondents cannot dispossess the petitioner from the property in question pending disposal of the Revision before the Revisional Authority and to pass such other order or orders as this Honourable Court may deem fit, just and proper in the circumstances of the case.”

Heard Sri K.Sarath learned Counsel for the petitioner and learned Government Pleaders for Social Welfare and Revenue appearing for the respondents. Perused the material available on record.

The Agency Divisional Officer & Sub Collector, Bhadrachalam, third respondent herein, pressed into service the provisions of the Land Transfer Regulation and passed order dated 30.05.2008 in LTR Case No.24/BCM/2008 ordering ejectment of the petitioner herein from the scheduled property admeasuring Ac.0.05 cents comprised in Sy.No.76/1 of Bhadrachalam Village and Mandal, Khammam District. As against the said order of ejectment passed by the third respondent, the petitioner herein preferred C.M.A.No.42 of 2010 before the Additional Agent to Government and Project Officer, ITDA, Bhadrachalam, Khammam District, second respondent herein. The second respondent by order dated 27.06.2015 dismissed the said appeal filed by the petitioner. Aggrieved by the order of the appellate authority, the petitioner herein filed revision before the first respondent, State Government, on 21.08.2015. Along with the said revision, the petitioner herein also filed stay application. The grievance of the petitioner herein having regard to above background is that despite lapse of considerable length of time, no orders have been passed either on the revision or on the stay application filed by the petitioner herein. It is further submitted by the learned Counsel for the petitioner that in view of absence of any orders on the revision filed by the petitioner, the

respondents are making hectic efforts to dispossess the petitioner from the subject land and if the same is allowed, the petitioner would suffer irreparable damage and serious loss.

It is not in dispute from the above factual background that the petitioner herein preferred statutory appeal CMA No. 42 of 2010 before the Additional Agent to Government and Project Officer, ITDA, Bhadrachalam, second respondent herein against the ejectment order dated 30.05.2008 passed by the Agency Divisional officer & Sub Collector, Bhadrachalam, third respondent herein. A perusal of the order passed by the appellate authority in CMA.No.42 of 2010 clearly discloses that the appellate authority while dismissing the appeal directed the Tahsildar, Bhadrachalam, fourth respondent herein, to take over the scheduled property into the Government custody by evicting the persons who ever is in possession and also directed to register a complaint in the jurisdictional police station under Regulation 6-A (1) of the Land Transfer Regulation. As against the said order, the petitioner herein preferred revision before the first respondent on 21.08.2015. Along with the said revision, the petitioner also filed stay application. However, no orders have been passed either on the stay application or revision filed by the petitioner. In view of the above back ground of facts and circumstances and having regard to the nature of controversy, this Court is of the opinion that ends of justice would be met by directing the first respondent to consider and dispose of the revision filed by the petitioner by fixing some time frame.

For the aforesaid reasons, the Writ Petition is disposed of directing the first respondent to consider and pass appropriate orders on the revision filed by the petitioner on 21.08.2015 as against the order of the Additional Agent to the Government and Project Officer, ITDA, Bhadrachalam, second respondent herein, dated 27.6.2015 passed in CMA,.No. 42 of 2010, within a period of three months from the date of receipt of a copy of this order. Till such exercise attains finality, status quo existing as on today with regard to subject property shall be maintained.

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

JUSTICE A. V.SESHA SAI

DATED 7th October, 2015.

Msnr_x