

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

WRIT PETITION NO.34867 OF 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, for the following relief:

“... to declare the action of the respondents in seeking to evict the petitioners from their land in Sy.No.396 to an extent of Ac.2.18 cents situated at Janampeta village of Pinapaka Mandal of Khammam District in pursuance of the orders passed by the Additional Agent to the Government, Bhadrachalam in C.M.A.No.46 of 2014, dated 01-08-2015 communicated on 25-08-2015 confirming the orders passed by the special Deputy Collector (T.W.) in LTR Case No.52/2013/PNK, dated 17-07-2013 pending disposal of the Revision filed before 1st respondent as arbitrary illegal and consequently declare that the respondents cannot dispossess the petitioners from the property in question till disposal of the Revision before the Revisional Authority...”

2. Heard Mr.K.Sarath, learned counsel appearing for the petitioners and the learned Government Pleader for Social Welfare appearing for the official respondents. Perused the material available on record placed before the Court.

3. According to the petitioners, their father purchased an extent of Ac.2.18 cents in Sy.No.396 situated at Janampeta village of Pinapaka Mandal of Khammam District and took delivery of the same and continued in possession and enjoyment of the property and after the death of their father, petitioners herein are cultivating the said land. The Special Deputy Collector (T.W.) and Sub-Collector, Bhadrachalam-3rd respondent herein pressed into service the provisions of Land Transfer Regulation and passed an order, dated 17-07-2013 in Case No.52/2013/PNK, ordering ejectment of the petitioners from the above said land. As against the said order of ejectment passed by the 3rd respondent herein, the petitioners herein filed C.M.A.No.46 of 2014 before the Additional Agent to the Government-2nd respondent herein. The 2nd respondent herein by virtue of order, dated 01-08-2015 dismissed the said appeal confirming the orders of ejectment passed by the 3rd respondent herein. Questioning the validity of the said order passed by the Primary and the Appellate Authority, petitioners herein filed a revision petition before the 1st respondent herein-State

Government on 24-09-2015. Along with the said revision, the petitioners herein filed interlocutory application on the even date seeking suspension of the order passed by the respondents 2 and 3. The grievance of the petitioners in the present writ petition is that no orders have been passed by the 1st respondent-State Government either on the interlocutory application or on the main revision filed by the petitioners herein and in view of the same, the respondent authorities are taking steps to take possession of the properties.

4. A reading of the order passed by the 2nd respondent-appellate authority while confirming the order of the primary authority clearly shows that the appellate authority-2nd respondent herein directed the Tahsildar, Pinapaka-4th respondent herein to take over the schedule property to the Government custody by evicting the persons in possession and assign the same to the eligible Tribals under a cover of panchanama and the appellate authority also directed the Tahsildar to register a complaint in the concerned Police Station having jurisdiction under 6-A (1) of the Land Transfer Regulation.

5. It is submitted by the learned counsel for the petitioners herein that in view of the said directions issued by the 2nd respondent herein, there is an active contemplation by the respondent authorities to take possession of the property and to lodge a complaint against the petitioners herein in the concerned Police Station and if the same is permitted, the petitioners herein will have to suffer irreparable loss and hardship.

6. Taking into consideration the totality of the circumstances and having regard to the nature of controversy, this Court is of the considered opinion that ends of justice would be met if a direction is issued to the 1st respondent-State Government to pass appropriate orders on the revision petition, dated 24-09-2015 filed by the petitioners herein against the orders of the respondents 2 and 3 in respect of the land in Sy.No.396 to an extent of Ac.2.18 cents situated at Janampeta village of Pinapaka Mandal of Khammam District by fixing some time frame.

7. For the aforesaid reasons, the writ petition is disposed of, directing the 1st respondent-State Government to pass appropriate orders on the revision petition, dated 24-09-2015 filed by the petitioners herein in respect of the land to an extent of Ac.2.18 cents in Sy.No.396

situated at Janampeta village of Pinapaka Mandal of Khammam District against the orders of the respondents 2 and 3, dated 01-08-2015 and 17-07-2013 as expeditiously as possible preferably within a period of 3 months from the date of receipt of a copy of this order. Till such exercise attains finality, *status quo* as on today with regard to the subject property shall be maintained. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

A.V.SESHA SAI, J

DATED: 27-10-2015

Hsd