

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

TUESDAY THE TWENTYNINETH DAY OF DECEMBER
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 2184 OF 2008

Between:

Thangella Satyanarayana Raju ... Petitioner

Vs.

The Addl. Agent to Government,
Bhadrachalam,
Khammam district & Ors. ... Respondents

Counsel for the Petitioner: Sri K. Sitaram

Counsel for the Respondents: GP for Social Welfare

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE A.V. SETHA SAI

WRIT PETITION NO. 2184 OF 2008

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ORDER :

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

“To declare the proceedings of the first respondent in CMA.No. 32 of 2005, dated 28/7/2007 confirming the order in LTR.Case No. 405/96/ENK dated 24/1/2005 of the second respondent as illegal, void and consequently to set aside the same and to pass such other suitable orders as may be just and necessary.”

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare for the respondents.

3. According to the petitioner, he is the owner and possessor of the agricultural land admeasuring Ac:4-00 situated in survey No. 12 of Medpally village of Enkoor Mandal, Khammam district, having succeeded to the same after the death of his brother Sri T. Narayana Raju, who was the original owner of the land. The Special Deputy Collector, second respondent herein initiated proceedings under the provisions of the Land Transfer Regulations and passed an order dated 24/1/2005 in LTR Case No. 405/96/ENK ordering ejectment of the petitioner from the said land. As against the said order, the petitioner herein preferred statutory appeal, vide CMA.No. 32 of 2005 before the first respondent. The first respondent, by way of an order dated 28/7/2007 dismissed the said appeal, confirming the orders

passed by the Primary Authority, second respondent herein.

Questioning the said orders passed by the Appellate and Primary Authorities, the present writ petition came to be filed.

4. This Court, while ordering Rule Nisi on 11/2/2008, directed statusquo to be maintained in WPMP.No. 2182 of 2008 and the said order is still subsisting. No counter-affidavit has been filed by the respondents, denying the averments made in the writ affidavit and in the direction of justifying the impugned action.

5. It is contended by the learned counsel for the petitioner that the orders passed by the Appellate and Primary Authorities are illegal, arbitrary, unreasonable and violative of Articles 14 and 300-A of the Constitution of India and opposed to the very spirit and object of the Land Transfer Regulations. It is also the submission of the learned counsel for the petitioner that the orders passed by the respondents 1 and 2 are totally devoid of any reasons much less valid reasons.

6. On the contrary, it is vehemently contended by the learned Government Pleader that the present writ petition filed under Article 226 of the Constitution of India is not maintainable in view of the availability of alternative remedy of Revision to the State Government under section 6 of the Land Transfer Regulations. It is also the submission of the learned Government Pleader that there is no

illegality nor there is any procedural infirmity in the impugned orders, as such, the present writ petition is not maintainable before this court and no relief can be granted in favour of the petitioner.

7. The material available before this court manifestly discloses that as against the orders passed by the Primary Authority, the petitioner herein preferred statutory appeal before the first respondent and the first respondent vide impugned order dated 28/7/2007 dismissed the appeal preferred by the petitioner herein. As pointed out by the learned Government Pleader as against any order passed by the first respondent herein, Revision lies to the State Government under section 6 of the Land Transfer Regulation and the same reads as under:

REVISION :

The State Government may revise any decree of order passed by the Agent, the Agency Divisional Officer or any other prescribed order under this Regulation;

Provided that this power shall be exercised only after due notice to the parties affected by the decree of order and after giving them a reasonable opportunity of being heard.

8. In view of the availability of the above alternative remedy of Revision to the State Government under the provisions of section 6 of the Land Transfer Regulations, this Court deems it apt to relegate the petitioner to the said alternative remedy. As this court passed the

interim order as long back as on 11/2/2008 in WPMP.No. 2812 of 2008, the interest of justice would be met if the said interim order granted by this court is allowed to be continued till the disposal of the said Revision.

8. For the aforesaid reason, this writ petition is disposed of, permitting the petitioner herein to file statutory Revision under section 6 of the Land Transfer Regulations against the impugned orders, within a period of two months from the date of receipt of a copy of this order. If any such Revision is filed, the same may be considered and appropriate orders be passed, in accordance with law, after giving notice and opportunity of hearing the petitioner. Till such exercise attains finality, the interim order dated 11/2/2008 passed in WPMP.No. 2812 of 2008, shall continue. No costs.

9. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

JUSTICE A.V.SESHA SAI

29/12/2015
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HONOURABLE SRI JUSTICE A.V. SETHA SAI

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WRIT PETITION NO. 2184 OF 2008

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