

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

W.P.No.23834 of 2015

ORDER:

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

“To issue a writ, order or direction more particularly one in the nature of writ of mandamus, to declare the action of the 1st Respondent in not disposing the Petitioner's stay petition along with revision petition dt.06-07-2015, which has been filed against the common Orders Passed by the 2nd Respondent in CMA No.27/2009, Dt. 2-5-2015 by confirming the order passed by 3rd respondent in LTR Case No.235/2003/JLP is illegal, arbitrary and violation of principles of natural justice and Article 300-A of constitution of India and consequently direct the 1st Respondent to dispose of the Petitioner's stay petition along with revision petition dt. 06-07-2015.”

2. Heard Sri Pulla Rao Yellanki, learned counsel for the petitioner and the learned Government Pleader for Social Welfare for the respondents 1 to 3 and 5 and Sri K.Vinay Kumar, learned counsel for the fourth respondent apart from perusing the material available before the Court.

3. The Special Deputy Collector (Tribal Welfare), Bhadrachalam, Khammam District pressed into service the provisions of the Land Transfer Regulations and passed the order of ejectment in Case No.235/2003/JLP dated 22.12.2007. The schedule of property in the present case is an extent of Ac.0-03 gts of land situated in Sy.No.268/2 of Julurupadu village and Mandal, Khammam District. As against the said order of ejectment, the petitioner herein filed appeal vide CMA.No.27/2009 before the second respondent herein. The second respondent vide order dated 02.05.2015, dismissed the said appeal filed by the petitioner herein. Questioning the validity of the said order, the petitioner herein preferred a revision before the first respondent/State Government on 06.07.2015 and along with the said revision petitioner herein also filed an application seeking suspension of the orders passed by the respondents 2 and 3 herein.

4. The grievance precisely in the present writ petition is inaction on the part of the first respondent herein in passing the orders on the revision and the application filed by the petitioner herein.

5. It is the submission of the learned counsel for the petitioner herein that the second respondent/Agent to the Government, while rejecting the appeal filed by the petitioner herein, directed the revenue authorities to take possession of the property by evicting the petitioner herein and to register the complaint in the concerned police station under Regulation 6.

6. On the contrary, it is submitted by the learned counsel for the respondent that there are absolutely no merits in the writ petition and the petitioner herein is not entitled for any relief under Article 226 of the Constitution of India.

7. Admittedly, the pendency of the revision filed by the petitioner herein before the State Government is not in dispute. Since, it is a statutory revision, the same needs to be disposed of in one way or the other by the first respondent herein. This Court, while ordering notice on 31.07.2015, granted the order of *status quo*.

8. Taking into consideration, the nature of controversy and the facts and circumstances of the case, this Court is of the considered opinion that the ends of justice would be met, if the first respondent State Government is directed to pass appropriate orders on the revision dated 06.07.2015 filed by the petitioner herein by fixing some time frame.

9. For the aforesaid reasons, writ petition is disposed of, directing the first respondent herein to pass appropriate orders on the revision dated 06.07.2015 filed by the petitioner herein against the order of the second respondent dated 02.05.2015 passed in CMA.No.27/2009, within a period of three months from the date of receipt of this order. Till the said exercise attains finality, the *status quo* granted earlier on 31.07.2015 shall continue. As a sequel, pending miscellaneous petitions, if any, shall stand closed.

No costs.

A.V.SESHA SAI, J

Date:21.09.2015
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THE HON'BLE SRI JUSTICE A.V.SESHA SAI

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Dated 21st September, 2015

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