

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

WRIT PETITION No.17803 of 2015

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Between :

Danthuluri Srirama Raju S/o.Subbaraju

... Petitioner

AND

The State of Telangana,

Rep. by its Principal Secretary, Hyderabad

and five others

... Respondents

DATE OF JUDGMENT PRONOUNCED: 27.07.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE Dr. JUSTICE A.V. SESA SAI

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| 1. | Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. | Whether the copies of judgment may be marked to Law Reporters/Journals? | Yes/No |
| 3. | Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | Yes/No |

HON'BLE SRI JUSTICE A.V. SESA SAI

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WRIT PETITION No. 17803 of 2015

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ORDER :

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

“...to issue a writ or direction preferably writ of mandamus declaring the order issued by the 1st respondent in Memo No.1212/LTR-2/2015-1 dt:26.5.2015 rejecting petitioner's request for grant to stay pending revision itself filed on 20.02.2015 filed against the order of the 2nd respondent dt:24.1.2015 in C.M.A.No.9/2011 confirming the order of the 3rd respondent in Case No.272/2003/ASPM dt:20.1.2006 as illegal, arbitrary and violative of principles of natural justice and consequently direct the 1st respondent to consider and dispose of the revision itself within a reasonable time and further direct the respondents 2 to 4 or their subordinate staff not to dispossess the petitioner from land in Sy.Nos.62, 73, 74, 79, 80 & 81 to an extent of Ac.11.00 gts, situated at Pamulapally Village, Aswapuram Mandal of Khammam Dist., pending disposal of the revision on the file of the 1st respondent..”

2. Heard Sri M.V. Hanumantha Rao, learned counsel for the petitioner and learned Government Pleader for Social Welfare.

3. The Special Deputy Collector (Tribal Welfare), Bhadrachalam, Khammam District-3rd respondent herein passed an order of ejectment dt:20.01.2006 against the petitioner herein in respect of the land, admeasuring Ac.11.00 guntas in Sy.Nos.62, 73, 74, 79, 80 and

81 situated at Pamulapally Village, Aswapuram Mandal of Khammam District. As against the said order the petitioner herein preferred C.M.A.No.9 of 2011 before the Additional Agent to the Government, Bhadrachalam, Khammam District–2nd respondent herein. The 2nd respondent vide order, dated 24.01.2015 dismissed the said appeal filed by the petitioner herein.

4. Assailing the validity of the said orders passed by the respondents 2 and 3 herein the petitioner herein preferred statutory revision before the 1st respondent–State Government on 20.02.2015 and also filed a stay application. The 1st respondent–State Government by virtue of Memo No.1212/LTR-2/2015-1, dated 26.05.2015 dismissed the stay application filed by the petitioner herein while sending the revision petition to the Additional Agent to the Government for para wise remarks and for connected records.

5. Calling in question the validity and the legal sustainability of the said order passed by the 1st respondent–State Government vide memo, dated 26.05.2015, the present writ petition has been filed.

6. In the present writ petition it is the case of the petitioner herein that before passing the said order, dated 26.05.2015 rejecting the stay application the 1st respondent herein did not issue any notice nor afforded any opportunity of being heard to the petitioner herein. It is also the submission of the learned counsel for the petitioner that the order impugned is a cryptic order and the 1st respondent did not assign any reasons for rejection of stay application. It is also the grievance of the petitioner herein that in view of the rejection of the stay application filed by the petitioner herein the 4th respondent is taking steps to eject the petitioner herein from the schedule property and is attempting to file a complaint as per the directions of the 2nd respondent. It is further submitted that in the event of the dispossession of the petitioner in pursuance of the order of the 2nd and 3rd respondents, pending disposal of the revision before the 1st respondent, he will be put to grave loss and the very purpose of filing

revision will become futile. It is also the submission of the learned counsel for the petitioner that without there being any order of the 3rd respondent–Special Deputy Collector in the Execution Petition there cannot be any eviction of the petitioner herein in view of the provisions of Rule 7 (4) of the Andhra Pradesh (Scheduled Areas) Land Transfer Regulation Rules, 1969.

7. On the contrary, it is vehemently contended by the learned Government Pleader that there is no illegality nor any infirmity in the order passed by the 1st respondent herein rejecting the stay application.

8. The revision filed by the petitioner herein in the instant case is a statutory revision under the Andhra Pradesh (Scheduled Areas) Land Transfer Regulation, 1959. Admittedly, the revision filed by the petitioner herein is pending for consideration before the 1st respondent herein. A perusal of the impugned Memo No.1212/LTR-2/2015-1, dated 26.05.2015 issued by the 1st respondent, in unequivocal terms, reveals that the 1st respondent herein without assigning any reasons rejected the stay application filed by the petitioner herein. Having called for remarks and connected records from the 2nd respondent herein, there is absolutely no justification on the part of the 1st respondent herein in rejecting the stay application without any reasons.

9. In the facts and circumstances of the case, this Court deems it appropriate to direct the 1st respondent herein to dispose of the revision filed by the petitioner herein on 20.02.2015, in accordance with law.

10. For the aforesaid reasons and having regard to the nature of controversy and taking into consideration the totality of circumstances, the writ petition is disposed of, directing the 1st respondent herein to dispose of the revision, dated 20.02.2015 filed by the petitioner herein against the orders of the 2nd respondent,

dated 24.01.2015 in C.M.A.No.9 of 2011, in accordance with law, within a period of three (3) months from the date of receipt of a copy of this order. Till such exercise attains finality, status quo as on today shall be maintained with regard to the subject property. There shall be no order as to costs.

11. The Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A.V. SESA SAI, J

27th July 2015

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