

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No. 35641 of 2014

DATE: 25.02.2015

Between

Kovvuri Subbaramaiah
and two others

.. Petitioners

And

1. The State of A.P.
 2. The Revenue Divisional Officer
 3. The Tahsildar
 4. The Station House Officer
- and three others

..Respondents

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ORDER:-

The petitioners claim to have occupied government lands admeasuring Ac.2.00 cents each in Sy.No.388 situated in Bandepalli village, Manubolu Mandal, SPSR Nellore District forty years ago and since then they have been eking out their livelihood by doing cultivation and presently they have raised paddy crop therein. While so, it is stated that respondent Nos.5 to 7, while claiming assignment of lands in their favour, made representations to the 3rd respondent-Tahsildar requesting him to restore the lands to them. Thereupon, the 3rd respondent issued notices to the petitioners directing them to vacate the lands. When the petitioners filed W.P.No. 4568 of 2014 challenging the notices issued by the 3rd respondent, this Court, while disposing of the writ petition, directed the

3rd respondent to conduct enquiry after giving opportunity of hearing to the petitioners and pass orders afresh.

Subsequently, even though the petitioners submitted their explanations to the notices, the 3rd respondent, without considering their explanation, issued the impugned order dated 19.05.2014 directing the petitioners to vacate the lands and handover possession to the authorities. Being aggrieved by the order passed by the Tahsildar, the petitioners and others filed an appeal before the 2nd respondent – Revenue

Divisional Officer on 29.05.2014 along with an application seeking stay of operation of the order of the Tahsildar. Neither the appeal nor the application for stay was disposed of, as such, one of the appellants filed W.P.No. 30448 of 2014, and this Court, by order dated 20.10.2014, directed the 2nd respondent to dispose of the appeal within a maximum period of three months. Now, the petitioners' grievance is that respondent Nos.2 to 4 with the instigation of respondent Nos.5 to 7 and without following the due process of law are interfering with the petitioners' possession and also restraining them from entering their lands, more so, the unofficial respondents have erected a board in the fields claiming right over the lands belonging to the petitioners. Hence, the present writ petition is filed seeking appropriate directions.

Heard the learned counsel for both the parties and perused the material placed on record.

Having regard to the fact that the appeal filed by the petitioners before the 2nd respondent is pending adjudication, and in view of the facts and circumstances of the case, this Court, without going into merits of the case, deems it appropriate to direct the 2nd respondent to dispose of the application for stay said to have been filed on 29.05.2014 along with the appeal, within a period of eight weeks from today. Till such time as the stay application is disposed of, respondent Nos.2 to 4 shall not take any coercive steps against the petitioners or interfere with the possession and enjoyment of the lands in question.

With the above direction, the writ petition is disposed of.

No order as to costs.

As a sequel to the disposal of the writ petition, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

CHALLA KODANDA RAM,

J

25.02.2015

bcj