

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

WRIT PETITION No.23164 of 2015

ORDER:

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

“to issue Writ of Mandamus to declare the action of respondents in trying to evict the petitioners from their respective residential houses constructed in the land to an extent of Ac.0-02 gts., Ac.0-02 gts., Ac.0-01 gts., and Ac.0-01 gts., respectively in Sy.No.457, situated at NTR Chowk, Utnoor village and mandal, Adilabad district and taking steps to assign the above said land to 3rd parties by taking into Government custody under the guise of the ejectment order passed by the 3rd respondent in case No.TWB2/20/2015, dated 06-07-2015 even though the statutory appeal filed by the petitioners is pending before the 2nd respondent as illegal, arbitrary, abuse of process of law and violation of principles of natural justice and consequently direct the respondents 1 to 4 not to evict the petitioners from their respective residential houses constructed in the land to an extent of Ac.0-02 gts., Ac.0-02 gts., Ac.0-01 gts., and Ac.0-01 gts., respectively in Sy.No.457, situated at NTR Chowk, Utnoor village and mandal, Adilabad district till the disposal of the appeal filed by the petitioner before the 2nd respondent in the interest of justice.”

Heard Sri M. Surender Reddy, learned counsel for the petitioners and learned Government Pleader for Social Welfare, apart from perusing the material available before this Court.

According to the pleadings available on record, the father of the 1st petitioner purchased the land admeasuring Ac.0-02 gts., the father of the 2nd petitioner purchased the land admeasuring Ac.0-03 gts., the father of the 3rd petitioner purchased the land

admeasuring Ac.0-03 gts., and the father of the 4th petitioner purchased the land admeasuring Ac.0-01 gts., respectively situated in Sy.No.457 of NTR Chowk, Utnoor village from one Shaik Asif in the year 1969. It is further pleaded that the petitioners herein constructed small dwelling houses in their respective land and residing there along with their families.

The Special Deputy Collector (Tribal Welfare), Utnoor, Adilabad district – 3rd respondent herein pressed into service the provisions of the Andhra Pradesh (Scheduled Areas) Land Transfer Regulation, 1959 and passed an order, dated 06-07-2015 in case No.TWB2/20/2015, ordering ejectment of the petitioners herein from the said land.

Questioning the validity of the said order of ejectment, the petitioners herein filed appeal on 21-07-2015 before the Additional Agent to the Government, Adilabad – 2nd respondent herein. Along with the said appeal, the petitioners herein also filed an Interlocutory Application, seeking suspension of the orders of ejectment passed by the 3rd respondent.

In the present writ petition, it is the grievance of the petitioners herein that no orders have been passed either on the stay application or on the appeal filed by the petitioners herein and the 4th respondent herein is actively attempting to evict the petitioners herein from the subject property. In the above background, the present writ petition has been filed.

It is submitted by the learned counsel for the petitioners that while passing the order of ejectment, dated 06-07-2015 the Special Deputy Collector – 3rd respondent herein directed the Tahsildar, Utnoor – 4th respondent herein to assign the subject lands in favour of the Tribals/Societies immediately. While referring to the same, it is submitted by the learned counsel for the petitioners that in terms of the said directions the 4th respondent herein is actively attempting to dispose of the petitioners herein and to take possession of the property.

In these circumstances, this Court is of the considered opinion that the ends of justice would be met if a direction is given to the 2nd respondent herein to pass appropriate orders on the appeal filed by the petitioners herein by fixing some time frame.

For the aforesaid reasons and having regard to the nature of controversy, the writ petition is disposed of, directing the 2nd respondent herein to pass appropriate orders on the appeal, dated 21-07-2015 filed by the petitioners herein, in accordance with law, within a period of three (3) months from the date of receipt of a copy of this order after giving notice and opportunity of being heard to all the stake holders. Till such exercise attains finality, *status quo* as on today shall be maintained. There shall be no order as to costs.

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

A.V. SETHA SAI, J

Note: Furnish C.C. in
two (2) days. B/o.Pn

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