

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

WRIT PETITION No.18352 of 2015

ORDER:

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

“to issue Writ of Mandamus declaring the action of the 1st respondent in not passing appropriate orders either on the stay petition or on the revision itself filed on 28-05-2015 against the order of the 2nd respondent, dated 07-03-2015 in C.M.A.No.43 of 2008 confirming the order of the 3rd respondent in case No.35/2007/ ENK, dated 24-08-2007 as illegal, arbitrary and violative of principles of natural justice and consequently direct he 1st respondent to consider and dispose of the stay petition or the revision itself within a reasonable time and further direct the respondents or their subordinate staff not to dispossess the petitioner from land in Sy.No.10 to an extent of Ac.2-06 guntas situated at Madepalli village of Enkuru mandal, Khammam District, pending disposal of the revision on the file of the 1st respondent.”

Heard Sri K. Vinaya Kumar, learned counsel for the petitioner and learned Government Pleader for Social Welfare.

The Special Deputy Collector (TW), Bhadrachalam, Khammam District – 3rd respondent herein passed an order under the Andhra Pradesh (Scheduled Areas) Land Transfer Regulation, 1959 ordering ejectment of the petitioner herein from the land, admeasuring Ac.2-06 guntas situated in Sy.No.10 of Madepalli village, Enkour mandal, Khammam District. As against the said order the petitioner herein preferred C.M.A.No.43 of 2008 before the Additional Agent to the Government, Bhadrachalam – 2nd

respondent herein. The 2nd respondent vide order, dated 07-03-2015 dismissed the said appeal filed by the petitioner herein while directing the Tahsildar, Enkoor – 4th respondent herein to take possession of the property and to register a complaint in the concerned Police Station under Andhra Pradesh (Scheduled Areas) Land Transfer Regulation, 1959. As against the said order the petitioner herein preferred revision before the 1st respondent – State Government on 28-05-2015 and along with the said revision the petitioner herein also filed stay application, seeking stay of all further proceedings including eviction from the schedule land.

The grievance precisely in the present writ petition is that no orders have been passed by the 1st respondent herein either on the stay application or on the statutory revision. It is the further grievance of the petitioner herein that in the meanwhile 4th respondent – Tahsildar is taking steps to evict the petitioner from the schedule property and also trying to file a complaint as per the directions of the 2nd respondent – Additional Agent to the Government. It is also alleged in the affidavit filed in support of the writ petition that for the last one week the 4th respondent and his subordinates are insisting to vacate the subject land so as to assign it to the third parties. It is also the contention of the learned counsel for the petitioner that without there being any order of the 3rd respondent in Execution Petition the respondents are trying to evict the petitioner from the schedule property.

As evident from the order of the 2nd respondent – Additional

Agent to the Government, the 2nd respondent while dismissing the appeal filed by the petitioner herein issued directions to the Tahsildar, Enkoor mandal – 4th respondent herein to take over the schedule land into Government custody by evicting the persons in possession and to assign the same to the eligible Tribals under the cover of panchanama. It is also clear from the appellate order that the 2nd respondent appellate authority also directed the Tahsildar – 4th respondent herein to register a complaint in the concerned Police Station under Section 6 (A) of the Andhra Pradesh (Scheduled Areas) Land Transfer Regulation, 1959.

According to the petitioner herein, the revision and the stay application filed along with the revision are pending consideration before the 1st respondent herein and no orders have been passed on the same.

In the facts and circumstances of the case and in the considered opinion of this Court, the interest of justice would be met if a direction is given to the 1st respondent herein to dispose of the revision filed by the petitioner herein by fixing some time.

For the aforesaid reasons 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 28-05-2015 filed by the petitioner herein against the orders of the 2nd respondent, dated 07-03-2015 in C.M.A.No.43 of 2008, 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. There shall be no order as to costs.

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

A.V. SESA SAI, J

June 23, 2015

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THE HON’BLE SRI JUSTICE A.V. SESA SAI

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