

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

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WRIT PETITION No.29987 OF 2015
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ORDER:

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

“to issue a writ or direction preferably 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 27-7-2015 against the order of the 2nd respondent dt:15-11-2014 in C.M.A.No.63/2011 reversing the order of the 3rd respondent in Case No.126/08/MGR dt:12-8-2008 as illegal, arbitrary and violative of principles of natural justice and consequently direct the 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.26 to an extent of Ac.1-20 gts, situated at Mallaram Village, Manuguru Mandal of Khammam Dist., pending disposal of the revision on the file of the 1st respondent, and pass any other order this Hon'ble Court may deem fit in the interest of justice.”

2. Heard Sri M.V.Hanumantha Rao, learned counsel for the petitioner and learned Government Pleader for Social Welfare appearing for the respondents 1 to 4, apart from perusing the material available on record.

3. According to the petitioner, she is in continuous possession and enjoyment of the land admeasuring Acres 1.20 guntas in Survey No.26, situated at Mallaram Village, Manuguru Mandal of Khammam District, and the said property was purchased by her husband by registered sale deed dated 10.07.1962 from the original Pattedar before the advent of Land Transfer Regulations.

4. On a report submitted by the Special Deputy Tahsildar (Tribal

Welfare), dated 11.06.2008, the Special Deputy Collector (Tribal Welfare) – 3rd respondent herein pressed into service the provisions of Land Transfer Regulations. The Special Deputy Collector – 3rd respondent herein vide order dated 12.08.2008 in case No.126/2008/MNGR, dropped further action and as against the said order passed by the 3rd respondent, the Tahsildar, Manuguru Mandal – 4th respondent herein preferred CMA No.63/2011 before the Additional Agent to Government & Project Officer, ITDA, Bhadrachalam – 2nd respondent herein. The 2nd respondent by way of order dated 15.11.2015 allowed the said appeal preferred by the 4th respondent and directed the 4th respondent to take over schedule land into the Government custody while evicting persons in possession of the property. Challenging the said orders passed by the 2nd respondent ordering eviction, the petitioner herein filed a revision on 27.07.2015 before the 1st respondent – State Government. Along with the said revision, petitioner herein also filed a stay application.

5. The grievance of the petitioner herein is that though he filed revision and also an application for stay, no orders have been passed by the 1st respondent, either on the revision or on the stay application, and in view of the same the Tahsildar, Manuguru Mandal, the 4th respondent herein is contemplating to evict him from the subject property and attempting to file a complaint as per the directions of the 2nd respondent.

6. A perusal of the order passed by the 2nd respondent manifestly discloses that the 2nd respondent, while dismissing the appeal filed by the petitioner, issued directions to register a complaint against the petitioner before the concerned police station.

7. In the facts and circumstances of the case, this Court is of the considered opinion that the ends of justice would be met, if a direction is given to the 1st respondent to pass appropriate orders on the

revision filed by the petitioner by fixing some time frame.

8. For the foregoing reasons, the writ petition is disposed of, directing the 1st respondent to pass appropriate orders on the revision petition dated 27.07.2015 filed by the petitioner herein against the orders of the 2nd respondent dated 15.11.2014 in C.M.A.No.63 of 2011, in accordance with law, within a period of three months from the date of receipt of a copy of this order. Till such exercise takes finality, there shall be status quo with regard to the subject property.

9. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI,J

15th September, 2015

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