

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

Writ Petition No.19626 of 2015

ORDER:

Heard Sri P.R.K. Amarendra Kumar, learned counsel for the petitioner and the learned Government Pleader for Social Welfare for the respondents.

This Writ Petition is filed under Article 226 of the Constitution of India for the following relief:

“..... to issue order direction more particularly one in the nature of writ of MANDAMUS declare the action of the respondents in not dispose of the case SR No.86 & 87/2007 on the file of Respondent No.2 as illegal arbitrary and contrary to the provisions of A.P.S.A.L.T. Reg. 1/59 as amended by Reg.1/70 and consequently direct the respondents to dispose of the case SR No.86 & 87/2007 on the file of Respondent No.2 after giving due opportunity to the petitioner and pass such other order or orders may deem fit and proper in the circumstances of the case.”

It is stated in the writ affidavit that the petitioner is the owner and possessor of the land admeasuring 08.51 cents in R.S.No.84/1,2,3 & 4 situated at Darbagudem Village, Jeelugumilli Mandal, West Godavari District and the said land was acquired by way of possessory agreement of sale dated 12.01.1969 from one Sri K. Tirupathi Raju (non-tribe). It is further stated that from the date of purchase of the said land, the petitioner has been in continuous possession and enjoyment of the land and the revenue authorities issued pattadar passbook and title deed also in favour of the petitioner herein.

It is further stated that the Special Deputy Tahsildar, Jeelugumilli filed a complaint before the second respondent-Special Deputy Collector (TW), K.R. Puram, West Godavari District alleging that the subject land is situated in agency area and the possession of the petitioner is in contravention of the provisions of A.P. Scheduled Areas Land Transfer Regulations Act. Basing on the said complaint,

the second respondent initiated enquiry against the petitioner under the provisions of A.P. Scheduled Areas Land Transfer Regulation Act, vide SR Nos.86 & 87 of 2007. Subsequently, a notice was issued on 29.10.2014 wherein it is stated that the petitioner has to appear before the second respondent on 28.11.2014 at 11 a.m. along with all records.

It is the grievance of the petitioner that even though the second respondent initiated enquiry as long back as in the year 2007, the said enquiry has not attained finality so far. It is further submitted that because of pendency of the said enquiry before the second respondent, the petitioner is put to irreparable loss and hardship. In view of the above, the petitioner is praying to dispose of this writ petition with a direction to the second respondent herein to complete the enquiry by giving due opportunity to the petitioner.

In the facts and circumstances of the case, this Court is of the considered opinion that the ends of justice would be met if the direction is issued to the second respondent to complete the enquiry as early as possible and pass appropriate orders in the matter.

For the aforesaid reasons and having regard to the nature of controversy, the writ petition is disposed of, directing the second respondent-Special Deputy Collector (TW), K.R. Puram, West Godavari District to dispose of the case file SR No.86 & 87 of 2007, within a period of three months from the date of receipt a copy of this order. Miscellaneous Petitions, if any pending in this writ petition shall stand closed. No order as to costs.

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A.V. SETHA SAI, J

Date: 01.07.2015

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