

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

WRIT PETITION No.23708 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 the respondents 3 and 6 in seeking to dispossess the petitioners from their lands to an extent of Ac.4.29 cents in Sy.No.21/2 and Ac.8.87 cents in Sy.No.22 situated in Vinjaram Village, Polavaram Mandal, West Godavari District in pursuance of the letter addressed by the 3rd respondent to the 6th respondent dt.21-11-2014 as illegal, arbitrary and unjust and consequently direct the respondents not to dispossess the petitioners from the above mentioned lands in the interest of justice.”

Heard Sri K. Venkatesh, learned counsel for the petitioners and learned Government Pleader for Social Welfare for respondents, apart from perusing the material available before this Court.

According to the petitioners, they are the owners and possessors of the land admeasuring Ac.4-29 cents in Sy.No.21/2 and Ac.8-87 cents in Sy.No.22 situated in Vinjaram village, Polavaram Mandal, West Godavari district. It is also the case of the petitioners herein that in respect of the said lands the Settlement Officer, Eluru, West Gadavari District granted Ryotwari patta on 15-12-1979 after holding detailed enquiry and the said order passed by the Settlement Officer became final and the petitioners herein have been in continuous possession and enjoyment of the said lands.

On the complaint made by respondent Nos.4 and 5 herein the Special Deputy Collector (Tribal Welfare), Polavaram, West Godavari District – 3rd respondent herein pressed into service the provisions of A.P. Scheduled Areas Land Transfer Regulation and passed an order, dated 12-12-2007, ordering ejectment of the petitioners herein from the subject lands.

As against the said order passed by the 3rd respondent, the petitioners herein preferred appeal, being S.R.A.No.7 of 2008 (F2) before the Agent to the Government, West Godavari District, Eluru – 2nd respondent herein. The 2nd respondent by way of an order, dated 21-04-2010 dismissed the said appeal confirming the order of ejectment passed by the 3rd respondent.

Questioning the legality of the said orders passed by respondent Nos.2 and 3 herein the petitioners herein filed statutory revision under Section 6 of the A.P. Scheduled Areas Land Transfer Regulations, 1959 on 28-12-2012 and along with the same the petitioners herein also filed stay application on the even date.

It is the grievance of the petitioners herein that despite pendency of the said revision before the State Government, taking advantage of absence of interim order in the same, the 6th respondent herein and his subordinates are preventing the petitioners from doing cultivation in the said lands on the ground that respondent Nos.2 and 3 ordered eviction.

On instructions, it is stated by the learned Government

Pleader that the revision filed by the petitioners herein is still pending consideration before the Government.

Taking into consideration the nature of controversy, this Court is of the considered opinion that the ends of justice would be met if the 1st respondent is directed to pass appropriate orders in the revision filed by the petitioners herein on 28-12-2012 by fixing some time frame.

For the aforesaid reasons, the writ petition is disposed of, directing the 1st respondent – State Government to pass appropriate orders on the revision, dated 28-12-2012 filed by the petitioners herein against the orders of the Agent to the Government vide S.R.A.No.7 of 2008, dated 21-04-2010 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 date with regard to the subject lands admeasuring Ac.4-29 cents in Sy.No.21/2 and Ac.8-87 cents in Sy.No.22 situated in Vinjaram village, Polavaram Mandal, West Godavari district shall be maintained.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. There shall be no order as to costs.

A.V. SESA SAI, J

August 10, 2015

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