

THE HON'BLE SRI JUSTICE A.V. SESA SAI
WRIT PETITION NO.34879 OF 2015

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 24-9-2015 against the order of the 2nd respondent dt:1-8-2015 in C.M.A.No.49/2008 confirming the order of the 3rd respondent in Case No.26/2007/KGM, dt:28-9-2007 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.Nos.365/E/5 to an extent of Ac.5-18 gts, situated at Penagadapa Village, Kothagudem 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 for the respondents 1 to 4.

3. The Special Deputy Collector, Bhadrachalam, Khammam District, the 3rd respondent herein pressed into service the provisions of the A.P. Scheduled Areas Land Transfer Regulation and passed an order, ordering ejectment of the petitioner from the land, admeasuring Ac.5.18 gts situated in Sy.No.365/E/5, Penagadapa village, Kothagudem Mandal of Khammam District, vide orders in case No.26/2007/KGM, dated 28-09-2007. As against the said orders of ejectment, the petitioner herein preferred CMA No.49 of 2008 before the

Additional Agent to Government, the 2nd respondent. The 2nd respondent vide orders dated 01-08-2015 dismissed the said appeal, confirming the orders of ejectment passed by the 3rd respondent. Questioning the validity of the said orders passed by the respondents 2 and 3, the petitioner preferred revision before the 1st respondent on 24-09-2015, and also filed an application for stay. 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, Kothagudem 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.

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4. 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 and his supporters, before the concerned police station. 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.

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5. For the foregoing reasons, the writ petition is disposed of, directing the 1st respondent to pass appropriate orders on the revision petition dated 24-09-2015, filed by the petitioner herein against the orders of the 2nd respondent dated 01-08-2015 in C.M.A.No.49 of 2008, in accordance with law, within a period of three 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 with regard to the subject property. No costs. The miscellaneous petitions, if any, filed in the writ petition, shall also stand closed.

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A.V. SESA SAI, J.

DATED: 27-10-2015

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