

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

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WRIT PETITION No. 25569 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, Order or direction more in the nature of Mandamus declaring the action of the 1st Respondent Revisional authority in not disposing the Revision and the Stay petition filed on 3-8-2015 as against the orders passed by the Agency Divisional Officer, Bhadrachalam in L.T.R. CaseNo.13/BCM/2008 dated 15-3-2008 and the confirmation orders passed by the Addl.Agent to Government, Bhadrachalam in CMA No.8/2010 dated 2-5-2015 communicated to the Counsel on 23-5-2015 for ejection and taking over possession of R.C.C. building house bearing No. 12-2-166 situated in Udayabhaskar Road, Bhadrachalam, Khammam District, to an extent of 225 square yards as illegal, arbitrary, and in violation of Articles 14, 16 and 21 of the Constitution of India and consequently declare that the Petitioners are entitled to continue in possession and enjoyment of the suit schedule property subject to further orders passed by the Revisional Authority pending before the Government and to pass such other order or orders as this Hon'ble High Court may deem fit and proper in the circumstances of the case.”

2. Heard Sri P.V.Ramana, learned counsel for the petitioner and learned Government Pleader for Social Welfare.

3. The Agency Divisional Officer- 3rd respondent herein pressed into service the provisions of Land Transfer Regulations and passed an order of ejectment on 15.03.2013 in LTR Case No.13/BCM/2008 in respect of the property i.e., RCC building bearing D.No.12-2-166, situated at Udyabhaskar Road, Bhadrachalam, Khammam District. Aggrieved by the said order of ejectment, the petitioners herein preferred CMA No.8/2010 before the Additional Agent to Government, Bhadrachalam - 2nd respondent herein. The 2nd respondent by virtue of an order dated 02.05.2015, dismissed the said appeal filed by the

petitioners herein. Questioning the said orders passed by the primary and appellate authorities, petitioners herein preferred statutory revision before the 1st respondent – State Government on 03.08.2015. Along with the said revision, petitioners herein also filed an application seeking condonation of delay and also filed an application, seeking suspension of the orders passed by the primary and appellate authorities. In the above background, the present writ petition has been filed, questioning the inaction on the part of the Revisional Authority in disposing of the said applications dated 03.08.2015.

4. It is submitted by the learned counsel for the petitioner that the appellate authority, while dismissing the appeal filed by the petitioners herein, directed the Tahsildar, Bhadrachalam Mandal – 4th respondent herein to take the schedule property into the government custody by evicting the persons in possession of the property and also directed to register a complaint in the Police Station having the jurisdiction under 6-A(1) of the Land Transfer Regulations.

5. It is further submitted by the learned counsel for the petitioner that in view of the said directions, the respondent authorities are acting in an abrupt manner to evict the petitioners and to lodge a criminal complaint against the petitioners herein and in the event of same being permitted pending consideration of the revision petition, the petitioners herein would be put to irreparable loss and much hardship.

6. Taking into consideration the totality of the circumstances and having regard the nature of controversy, the writ petition is disposed of, directing the 1st respondent - State Government, to pass appropriate orders on the condone delay and stay applications filed by the petitioners herein in the Revision filed by the petitioners on 03.08.2015 against the orders of the 2nd respondent in CMA No.8/2010, within a period of two weeks from the date of receipt of this order. Till such exercise is done, no coercive action shall be taken against the petitioners herein in respect of the subject property.

7. 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

13th August, 2015
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