

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.5147 OF 2015

ORDER:

This writ petition is filed by the petitioner questioning the inaction of the 2nd respondent either in considering the stay application or in disposing of the appeal filed by the petitioner under A.P. (Schedule Areas) Land Transfer Regulation 1 of 1959 and its amendment 1 of 1970 as against the order dated 12.11.2014 passed by the 3rd respondent in L.T.R. Case No.151/2013/ASWP in respect of the dwelling house in schedule land of the petitioner in Sy.No.136/a to an extent of Ac.0.05 gts., situated at Mittagudem Village, Aswapuram Mandal, Khammam District, in interfering with peaceful possession and enjoyment by the Revenue Authorities.

It is the case of the petitioner that he purchased the schedule land along with dwelling house bearing No.8-34 on 21.3.2013 from one Punem Sammaiah and since then he has been in possession and enjoyment of the same. The petitioner has been paying the house tax to the concerned authorities. While things stood thus, the 3rd respondent passed the impugned order dated 12.11.2014 directing the petitioner to evict the schedule premises without considering the title, possession and enjoyment of the schedule property. Aggrieved thereby, the petitioner preferred a statutory appeal before the 2nd respondent under Section 3(3) (a)(ii) of the A.P Scheduled Areas Land Transfer Regulations 1/1959 (for short, 'the Act') on 10.02.2015 and it is pending. The petitioner has also filed an application along with the appeal seeking suspension of the order dated 12.11.2014 passed by the 3rd respondent. It is the further case of the petitioner that inspite of his best efforts, the 2nd respondent did not choose either to take up the

interim suspension application or to dispose of the main appeal filed by him. Hence, he filed the present writ petition.

Heard Sri P.V. Krishnamachary, learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue.

The right of appeal being a statutory right under the Act and the petitioner's right cannot be put in jeopardy and make the appeal provision itself nugatory. In that view of the matter, there is an obligation cast on the 2nd respondent to pass appropriate orders on the interim suspension application filed by the petitioner pending disposal of the main appeal dated 10.02.2015.

Having regard to the facts and circumstances of the case and especially in view of the limited grievance of the petitioner that the appeal along with the suspension application are pending before the 2nd respondent, interest of justice would be served, if a direction is given to the 2nd respondent to take up the suspension application and pass orders, pending disposal of the main appeal within a period of four weeks from today.

Accordingly, the writ petition is disposed of directing the 2nd respondent to take up the suspension application filed by the petitioner and pass appropriate orders in accordance with law, pending disposal of the main appeal within a period of four weeks from today. Till such time, the petitioner shall not be dispossessed from his possession. No order as to costs. Miscellaneous Petitions, if any pending in this writ petition shall stand closed.

CHALLA KODANDA RAM,J

Date:03.03.2015.

Gk.

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.5147 OF 2015

—

Date:03.03.2015

Gk

