

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

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WRIT PETITION No.17569 of 2015
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ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus or any other appropriate direction to declare the proceedings of the 1st respondent dated 29.05.2015 in not granting stay of operation of orders of the Additional Agent to the Government in CMA No.5 of 2010 dated 27.09.2014 as illegal, arbitrary and unreasonable and without following the principles of natural justice and consequently set aside the same.

Heard Sri P.Vishnuvardhan Reddy, learned counsel for the petitioner, learned Government Pleader for Social Welfare (Telangana), and learned Government Pleader for Revenue.

The Special Deputy Collector (TW), Bhadrachalam, Khammam District-third respondent herein pressed into service the provisions of the Land Transfer Regulations and passed an order on 27.05.2009 dismissing LTR Case No.2/2009/PNK rejecting the claim of fifth respondent herein. Aggrieved by the said order passed by the third respondent, fifth respondent preferred CMA No.5 of 2010 before the Additional Agent to Government, Bhadrachalam, who is the second respondent herein. The second respondent vide orders dated 27.09.2014 allowed the said appeal filed by the fifth respondent while directing to handover the property to fifth respondent or her legal representatives under cover of Panchanama.

As against the said orders passed by the second respondent, allowing the appeal filed by the fifth respondent, the petitioner herein filed a revision on 29.10.2014 before the first respondent State Government. Along with the said revision, the petitioner herein also filed stay application seeking stay of dispossession from the schedule property. Earlier, the petitioner herein filed

W.P.No.34588/2014 before this Court and this Court disposed of the said writ petition on 17.11.2014 and the operative portion of the said order reads as under:

“In view of this reasonable request, the Writ Petition is disposed of with the direction to respondent No.1 to pass appropriate order on the stay application filed by the petitioner in the Revision Petition within a period of one week from the date of receipt of a copy of this order.

The Writ Petition is, accordingly, disposed of.”

Subsequently, the first respondent State Government vide Memo No.3341/LTR-2/2015-1 dated 29.05.2015 rejected the stay application filed by the petitioner herein.

Questioning the validity and legal sustainability of the said order passed by the State Government vide Memo No.3341/LTR-2/2015-1 dated 29.05.2015, the present writ petition came to be filed.

In the present writ petition, it is submitted by the learned counsel for the petitioner that the order passed by the first respondent, rejecting the stay application is illegal, arbitrary, unreasonable and violative of Article 14 of the Constitution of India besides being opposed to the very spirit and object of the provisions of the Land Transfer Regulations. It is further submitted that the first respondent herein, while rejecting the stay application, neither referred to the contents of the revision nor assigned any reasons for rejecting the stay application.

On the contrary, it is vehemently contended by the learned Government Pleader that pursuant to the orders of this Court in W.P.No.34588 of 2014, the first respondent issued the impugned memo dated 29.05.2015, rejecting the stay application filed by the petitioner herein and there is no illegality in the impugned order as such the writ petition is not maintainable and the petitioner herein is

not entitled to any relief under Article 226 of the Constitution of India.

As against the orders passed by the second respondent-Additional Agent to the Government dated 27.09.2014, allowing the appeal filed by the fifth respondent herein, the petitioner herein preferred the statutory revision on 29.10.2014, raising a number of grounds and contentions. A perusal of the order under challenge manifestly discloses that the first respondent herein did not assign any reason much less valid reasons for rejection of the stay application filed by the petitioner herein. A reading of the impugned memo dated 29.05.2015 further clearly discloses that the first respondent did not take into consideration any of the grounds urged in the revision filed by the petitioner herein. It is a settled and well-established proposition of law that the orders of the quasi-judicial authorities should necessarily be supported by valid reasons, but the same is conspicuously absent in the present case as evident from the impugned memo. On this ground alone, the impugned order, rejecting the stay application is liable to be set aside. Having called for the para-wise remarks from the Additional Agent to the Government and for the connected records, the first respondent herein ought not have rejected the stay application without assigning proper and valid reasons. In these circumstances, this Court deems it proper to dispose of the present writ petition by directing the first respondent herein to pass appropriate orders on the revision filed by the petitioner herein by fixing some timeframe.

For the aforesaid reasons and having regard to the nature of controversy involved, this Writ Petition is disposed of, directing the first respondent State Government to pass appropriate orders, on the revision dated 29.10.2014 filed by the petitioner herein against the order dated 27.09.2014 passed by the second respondent in CMA No.5/2010 in respect of the lands admeasuring Ac.1.36 guntas in Survey No.396 situated at Uppaka Village of Pinapaka Mandal,

Khammam District, within a period of three (3) months from the date of receipt of a copy of this order. Till the aforesaid exercise attains finality, the interim order of *status quo* granted by this Court on 18.06.2015 shall continue. There shall be no order as to costs.

Miscellaneous petitions pending, if any, in this writ petition shall stand closed.

JUSTICE A.V. SETHA SAI

August 31, 2015

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

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WRIT PETITION No.17569 of 2015

Date: 31.08.2015

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