

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

W.P.NO.19819 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 an appropriate Writ, Order or direction more particularly one in the nature of Mandamus, declaring the inaction of the 1st respondent herein granting stay of the order dated 02.05.2015 in C.M.A.No.27 of 2007 of the 3rd respondent herein confirming the order dated 18.08.2006 in LTR Case No.74/2004/ENK of the 2nd respondent herein pending disposal of the Revision Petition filed before him by the petitioners herein against the said order of the 3rd respondent herein on 15.06.2015 as illegal, arbitrary, unreasonable, contrary to the provisions of A.P. Scheduled Area (Land Transfer Regulation) and also violative of Articles 14, 21 and 300-A of the Constitution of India and issue a consequential direction to the 1st respondent herein to stay the order dated 02.05.2015 in C.M.A.No.27 of 2007 of the 3rd respondent herein confirming the order dated 18.08.2006 in LTR Case No.74/2004/ENK of the 2nd respondent herein pending disposal of the Revision Petition filed before him by the petitioners herein against the said order of the 3rd respondent herein on 15.06.2015.”

Heard Sri M.Rajamalla Reddy, learned counsel for petitioners and learned Government Pleader for Social Welfare for the respondents, apart from perusing the material available with the Court.

According to the petitioners herein, their fore-fathers purchased an extent of Ac.13.07 gts of land in Survey No.525 of Buradaraghavapuram Village, Enkoor Mandal, Khammam District, through a sale deed dated 02.01.1953 i.e. much before the A.P. Scheduled Area (Land Transfer) Regulations (for short 'Regulations'). It is further pleaded that their names were entered in the revenue records as possessors and also in pahanies for the year 1969-70.

The 2nd respondent herein initiated proceedings under the Regulations and passed an order of ejectment on 18.08.2006 in case No.74/2004/ENK. Aggrieved by the said order, the petitioners herein filed C.M.A.No.27 of 2007 on the file of the Additional Agent to Government, Bhadrachalam, the 3rd respondent herein, who, by order dated 02.05.2015 dismissed the appeal. Against the said order, the petitioners filed revision before the 1st respondent along with stay petition.

The grievance of the petitioners in the present writ petition is that no orders have been passed in the said revision petition or on the stay application filed before the 1st respondent herein and that there is threat of dispossession from the schedule land. It is also brought to the notice of this Court that while confirming the orders passed by the 4th respondent, the appellate authority – the 3rd respondent directed the 4th respondent to register a complaint in the Police Station under Regulation 6-A 1 of the Regulations, in the event of the petitioners continuing in possession of the land. There is absolutely no dispute with regard to the fact that the revision filed by the petitioners herein is pending consideration before the 1st respondent herein and there is no controversy with regard to the fact that the 3rd respondent appellate authority also directed the 4th respondent to lodge a complaint before the Police Station against the petitioners herein, in the event of their continuing in possession of the land.

In the facts and circumstances of the case, this Court is of the considered opinion that to meet the ends of justice a direction is required to be given to the 1st respondent to pass appropriate orders on the revision filed by the petitioners herein by fixing some time.

For the aforesaid reasons and having regard to the nature of the controversy, this Writ petition is disposed of, directing the 1st respondent to dispose of the revision dated 15.06.2015 filed by the petitioners

against the order dated 02.05.2015 passed by the 3rd respondent in C.M.A.No.27 of 2007 confirming the order dated 18.08.2006 passed by the 2nd respondent in LTR Case No.74/2004/ENK by giving notice and opportunity to the petitioners herein within a period of three months from the date of receipt of a copy of this order. Till such exercise attains finality, parties are directed to maintain status quo obtaining as on today.

Pending miscellaneous petitions in this writ petition, if any, shall also stand disposed of.

A.V.SESHA SAI, J

02.07.2015
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HON'BLE SRI JUSTICE A.V.SESHA SAI

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