

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

WRIT PETITION No.31817 of 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue writ of Mandamus to declare action on the part of 2nd respondent in not disposing petitioner appeal in C.M.A.No.2015 and stay application filed therein dt.01.09.2015 against the order in LTR Case No.56/2015/YLD Dt.29-07-2015 as illegal, irrational, irregular and violative of provisions of Articles 14, 21 and 300-A of the Constitution of India and consequently set aside the orders dated 29-7-2015 in L.T.R. Case No.56/2015/YLD Dt.29-07-2015, passed by the 3rd respondent.”

Heard Sri Bellamkonda Ravindranath, learned counsel for the petitioner and learned Government Pleader for Social Welfare for respondents, apart from perusing the material available before this Court.

The Agency Divisional Officer, Kothagudem, Khammam District – 3rd respondent herein pressed into service the provisions of the A.P. Scheduled Areas Land Transfer Regulations on a petition submitted by the 5th respondent herein in respect of land admeasuring Ac.2-07 guntas in Sy.No.414/1 and Ac.0-36 guntas in Sy.No.414/2 of Challasamudram village, Yellandu Mandal, Khammam District. The 3rd respondent herein passed an order vide L.T.R. case No.56/2015/YLD, dated 29-07-2015, ordering ejectment of the petitioner herein from the subject lands while directing the Tahsildar, Yellandu mandal – 4th respondent herein to take said lands to the Government custody.

Aggrieved by the said order of ejectment passed by the 3rd respondent, the petitioner herein filed appeal before the Additional Agent to Government, Bhadrachalam – 2nd respondent herein on 02-09-2015 and along with the said appeal the petitioner herein also filed a stay application.

The grievance of the petitioner in the present writ petition is that despite lapse of considerable length of time no orders have been passed by the appellate authority either on the appeal or on the stay application and in view of the same, the respondents 3 and 4 are making hectic efforts to dispossess the petitioner herein from the schedule lands.

As evident from the order of the primary authority, dated 29-07-2015 the Agency Divisional Officer directed the Tahsildar, Yellandu to take possession of the property into the Government custody.

It is submitted by the learned counsel for the petitioner that if the petitioner herein is dispossessed from the schedule properties, pending consideration of the statutory appeal before the 2nd respondent, the petitioner herein will have to suffer irreparable loss and hardship.

In these circumstances, this Court is of the considered opinion that ends of justice would be met if the appellate authority/2nd respondent herein is directed to pass appropriate orders on the appeal filed by the petitioner herein on 02-09-2015 by fixing some timeframe.

For the aforesaid reasons, the writ petition stands disposed of, directing the 2nd respondent – Additional Agent to Government, Bhadrachalam to pass appropriate orders on the appeal filed by the petitioner herein on 02-09-2015 against the orders of the Agency Divisional Officer, Kothagudem in L.T.R. case No.56/2015/YLD, dated 29-07-2015 within a period of three (3) months from the date of receipt of a copy of this order. Pending such exercise *status quo* as on today with regard to subject properties shall be maintained.

Miscellaneous Petitions pending, if any, shall stand closed. There shall be no order as to costs.

A.V. SESA SAI, J

October 08, 2015

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