

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

TUESDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FIFTEEN

PRESENT

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

WRIT PETITION No.17031 of 2015

BETWEEN

Alli Rani

... PETITIONER

AND

The State of Telangana, Rep. by its Secretary (Department of Social Welfare), Secretariat Buildings, Hyderabad and others.

...RESPONDENTS

The Court made the following:

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ORDER:

1. This writ petition is filed under Article 226 of the Constitution of India with the following relief:

“to issue a writ or direction preferably writ of Mandamus declaring the action of the 2nd respondent in not passing appropriate orders either on the stay petition or on the appeal itself filed on 27.05.2015 filed against the order of the 3rd respondent dated 25.10.2014 received by the petitioner on 18.05.2015 in LTR. Case No.92.98/CHG as illegal, arbitrary and violative of principles of natural justice and consequently direct the 2nd respondent to consider and dispose of the stay petition or the appeal itself within a reasonable time and further direct the respondents 2 to 4 or their subordinate staff not to dispossess the petitioners from the land in Sy.No.161/Ru to an extent of Acs.1-21 gts situated at Thungaram Village, Chandrugonda Mandal of Khammam District, pending disposal of the appeal on the file of the 1st respondent.”

2. Heard Sri Kowturu Vinaya Kumar, learned counsel for the petitioner, and learned Government Pleader for Social Welfare for the respondents.

3. Petitioner herein claims to be the absolute owner and continuous possessor of the land in Survey No.161/Ru to an extent of Ac.1-21 guntas situated at Thungaram Village, Chandrugonda Mandal of Khammam District. Petitioner claims to have acquired the said land by way of succession from her ancestor i.e., Alli Bazaru. It is the further case of the petitioner that her possession in respect of the said land is not in violation of the provisions of Andhra Pradesh Scheduled Area Land Transfer Regulations 1 of 1955 as amended by 1 of 1970. The Agency Divisional Officer/Revenue Divisional Officer, Kothagudem, Khammam District, pressed into service, the provisions of the Land Transfer Regulations and passed an order dated 25.10.2014 under sub-section 2(a) of Section 3 of the said Regulations and ordered ejectment of the petitioner herein from the subject property. Against the said order of eviction, petitioner herein filed appeal before the Additional Agent to the Government on 27.05.2015. Along with the said appeal, petitioner herein also filed a stay application, seeking stay of dispossession from the scheduled property. Copies of the said appeal and the stay application are placed on record by the petitioner herein along with the writ petition.

4. The grievance of the petitioner in the present writ petition is that pending appeal, respondent No.4 herein is trying to dispossess her from the subject land. In the affidavit filed in support of the present writ petition, she states at paragraph 4 that on 11.05.2015, the staff of respondent No.4 came to the subject land and informed the petitioner that within a short period they would take possession by conducting panchanama. It is also the contention of the learned counsel for the petitioner that the said action is in contravention of the provisions of Rule 7(4) of the Andhra Pradesh Scheduled Area Land Transfer Regulation Rules, 1969. It is also the case of the petitioner herein that if the respondent authorities dispossess the petitioner pending statutory appeal before respondent No.2, petitioner herein will be put to irreparable loss and injury.

5. It is submitted by the learned government pleader that there are absolutely no merits in the writ petition and the writ petitioner herein is not entitled for any relief from this court and it is open for her to pursue the statutory remedy already availed.

6. In the instant case, petitioner herein, as per the material before the court, filed a statutory appeal on 27.05.2015 and the same is pending as on date. According to the learned counsel for the petitioner, no orders have been passed either on the stay petition or on the main appeal.

7. In the facts and circumstances of the case, taking into consideration of the pendency of the statutory appeal before respondent No.2, this court deems it appropriate to direct respondent No.2 to pass appropriate orders on the appeal within a period of two months.

8. For the aforesaid reasons and having regard to the nature of controversy, writ petition is disposed of, directing respondent No.2 to pass appropriate orders on the appeal, dated 27.05.2015, filed by the petitioner herein within a period of two months from the date of receipt of a copy of the order in accordance with law. Pending such exercise, *status quo*, as on today, with regard to the possession in respect of the land in S.No.161/Ru to an extent of Ac.1-21 guntas situated at Thungaram Village, Chandrugonda Mandal of Khammam District, shall be maintained.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

A.V. SESA SAI, J

June 16, 2015

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