

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

**WRIT PETITION No.29863 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 grant stay pending disposal of the appeal i.e., C.M.A. Dt.9-9-2015 on the file of the 2nd respondent preferred by the petitioners herein against the orders Dt.17-6-2015 in L.T.R.Case.No.98/2014/ASWP on the file of the 2nd respondent and also to direct the 2nd respondent to dispose off the appeal at the earliest stage.”*

Heard Sri S. Madan Mohan, learned counsel for the petitioners, learned Government Pleader for Social Welfare for the respondents 1 to 4 and Sri M.V. Hanumantha Rao, learned counsel for respondent No.5, apart from perusing the material available before this Court.

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On the complaint made by the 5<sup>th</sup> respondent herein, the Special Deputy Collector (Tribal Welfare), Bhadrachalam, Khammam District, the 3<sup>rd</sup> respondent herein pressed into service the provisions of the A.P. Scheduled Areas Land Transfer Regulations and passed an order, ordering ejectment of the petitioners from the land, admeasuring Ac.2-00 guntas in Sy.No.79/57/2 situated at Ammagaripalli Village, Aswapuram revenue Mandal, Khammam District, vide orders in case No.98/2014/ASWP, dated 17-06-2015. As against the said orders of ejectment, the petitioners herein preferred an appeal before the Additional Agent to Government - the 2<sup>nd</sup> respondent herein on 09-09-2015 and along with the said appeal the petitioners herein also

filed an application seeking suspension of the orders of ejectment, dated 17-06-2015.

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The grievance of the petitioners herein in the present writ petition is inaction on the part of the 2<sup>nd</sup> respondent in passing any orders on the said appeal filed by the petitioners. It is further submission of the learned counsel for the petitioners that in view of the pendency of the same and in view of absence of any orders on the said appeal and the suspension application, the respondent authorities are making hectic efforts to implement orders, dated 17-06-2015 passed by the 3<sup>rd</sup> respondent herein. It is also submitted by the learned counsel for the petitioners that the subject properties are the residential houses and in the event of dispossession of the petitioners herein they will have to suffer irreparable loss and injury.

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On the contrary, it is submitted by the learned Government Pleader and learned counsel for the 5<sup>th</sup> respondent that there is no illegality nor any procedural infirmity in the impugned action and having filed an appeal before the 2<sup>nd</sup> respondent it is not open for the petitioners herein to approach this Court under Article 226 of the Constitution of India.

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A perusal of the order, dated 17-06-2015 passed by the 3<sup>rd</sup> respondent herein clearly shows that the 3<sup>rd</sup> respondent herein directed the Tahsildar, Aswapuram to evict the petitioners herein from the schedule properties and to restore the land to the 5<sup>th</sup> respondent herein.

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It is also submitted by the learned counsel for the petitioners that in view of absence of any interim orders in the appeal filed by the petitioners herein the respondent authorities have demolished a part of the constructions.

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Taking into consideration the totality of the circumstances and the nature of controversy, this Court is of the considered opinion that ends of justice would be met if the 2<sup>nd</sup> respondent herein is directed to pass appropriate orders on the appeal, dated 09-09-2015 filed by the petitioners herein by fixing some time frame.

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For the aforesaid reasons, the writ petition is disposed of, directing the 2<sup>nd</sup> respondent herein to pass appropriate orders on the appeal, dated 09-09-2015 filed by the petitioners herein against the orders of the 3<sup>rd</sup> respondent herein in case No.98/2014/ASWP, dated 17-06-2015 within a period of three (3) months from the date of receipt of a copy of this order. Till such exercise attains finality, *status quo* as on today shall be maintained with regard to the subject properties.

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

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**A.V. SESA SAI, J**

September 16, 2015

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

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