

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD  
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA  
PRADESH**

**WRIT PETITION No.17943 of 2015**

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Between :

Bhupathi Raju Narasimha Raju S/o.Jagannadha Raju  
and three others.

... Petitioner

AND

The State of Telangana,  
Rep. by its Principal Secretary, Hyderabad  
and three others

... Respondents

DATE OF JUDGMENT PRONOUNCED: 27.07.2015

**SUBMITTED FOR APPROVAL:**

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

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|----|----------------------------------------------------------------------------|--------|
| 1. | Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. | Whether the copies of judgment may be marked to Law Reporters/Journals?    | Yes/No |
| 3. | Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | Yes/No |

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

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**WRIT PETITION No. 17943 of 2015**

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**ORDER :**

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

“...to issue a writ or direction preferably writ of mandamus declaring the order issued by the 1<sup>st</sup> respondent in Memo No.1210/LTR-2/2015-1 dt:28.5.2015 rejecting petitioners' request for grant of stay pending Revision filed on 20.02.2015 against the order of the 2<sup>nd</sup> respondent dt:24.1.2015 in C.M.A.No.55/2011 reversing the order of the 3<sup>rd</sup> respondent in Case No.232/2008/MNGR dt:29.7.2008 as illegal, arbitrary and violative of principles of natural justice and consequently direct the 1<sup>st</sup> respondent to consider and dispose of the stay petition or the revision itself within a reasonable time and further direct the respondents or their subordinate staff not to dispossess the petitioners from their houses bearing Nos.1-1-31/1/13; 1-1-31/2/A/1; 1-1-31/2; 1-1-31/3 & 1-1-31/1/A respectively situated at Bandarugudem Village, Manuguru Mandal of Khammam Dist., pending disposal of the revision on the file of the 1<sup>st</sup> respondent.....”

2. Heard Sri M.V. Hanumantha Rao, learned counsel for the petitioners and learned Government Pleader for Social Welfare.

3. The Special Deputy Collector (Tribal Welfare), Bhadrachalam, Khammam District-3<sup>rd</sup> respondent herein passed an order of ejectment dated 29.07.2008 against the petitioners herein in respect of the houses bearing Nos.1-1-31/1/13; 1-1-31/2/A/1; 1-1-31/2; 1-1-

31/3 & 1-1-31/1/A respectively, situated at Bandarugudem Village, Manuguru Mandal of Khammam District. As against the said order the petitioners herein preferred C.M.A.No.55 of 2011 before the Additional Agent to the Government and Project Officer, ITDA, Bhadrachalam, Khammam District–2<sup>nd</sup> respondent herein. The 2<sup>nd</sup> respondent vide order, dated 24.01.2015 dismissed the said appeal filed by the petitioners herein.

4. Assailing the validity of the said orders passed by the respondents 2 and 3 herein, the petitioners herein preferred statutory revision before the 1<sup>st</sup> respondent–State Government on 20.02.2015 and also filed a stay application. The 1<sup>st</sup> respondent–State Government by virtue of Memo No.1210/LTR-2/2015-1 dated 28.05.2015 dismissed the stay application filed by the petitioners herein while sending the revision petition to the Additional Agent to the Government for para wise remarks and for connected records.

5. Calling in question the validity and the legal sustainability of the said order passed by the 1<sup>st</sup> respondent–State Government vide memo dated 28.05.2015, the present writ petition has been filed.

6. In the present writ petition it is the case of the petitioners herein that before passing the said order dated 28.05.2015 rejecting the stay application the 1<sup>st</sup> respondent herein did not issue any notice nor afforded any opportunity of being heard to the petitioners herein. It is also the submission of the learned counsel for the petitioners that the order impugned is a cryptic order and the 1<sup>st</sup> respondent did not assign any reasons for rejection of stay application. It is also the grievance of the petitioners herein that in view of the rejection of the stay application filed by the petitioners herein the 4<sup>th</sup> respondent is taking steps to eject the petitioners herein from the schedule property and is attempting to file a complaint as per the directions of the 2<sup>nd</sup> respondent. It is further submitted that in the event of the dispossession of the petitioners in pursuance of the order of the 2<sup>nd</sup>

and 3<sup>rd</sup> respondents, pending disposal of the revision before the 1<sup>st</sup> respondent, they will be put to grave loss and the very purpose of filing revision will become futile. It is also the submission of the learned counsel for the petitioners that without there being any order of the 3<sup>rd</sup> respondent—Special Deputy Collector in the Execution Petition there cannot be any eviction of the petitioners herein in view of the provisions of Rule 7 (4) of the Andhra Pradesh (Scheduled Areas) Land Transfer Regulation Rules, 1969.

7. On the contrary, it is vehemently contended by the learned Government Pleader that there is no illegality nor any infirmity in the order passed by the 1<sup>st</sup> respondent herein rejecting the stay application.

8. The revision filed by the petitioners herein in the instant case is a statutory revision under the Andhra Pradesh (Scheduled Areas) Land Transfer Regulation, 1959. Admittedly, the revision filed by the petitioners herein is pending for consideration before the 1<sup>st</sup> respondent herein. A perusal of the impugned Memo No.1210/LTR-2/2015-1, dated 28.05.2015 issued by the 1<sup>st</sup> respondent, in unequivocal terms, reveals that the 1<sup>st</sup> respondent herein without assigning any reasons rejected the stay application filed by the petitioners herein. Having called for remarks and connected records from the 2<sup>nd</sup> respondent herein, there is absolutely no justification on the part of the 1<sup>st</sup> respondent herein in rejecting the stay application without any reasons.

9. In the facts and circumstances of the case, this Court deems it appropriate to direct the 1<sup>st</sup> respondent herein to dispose of the revision filed by the petitioners herein on 20.02.2015, in accordance with law.

10. For the aforesaid reasons and having regard to the nature of controversy and taking into consideration the totality of circumstances, the writ petition is disposed of, directing the 1<sup>st</sup>

respondent herein to dispose of the revision, dated 20.02.2015 filed by the petitioners herein against the orders of the 2<sup>nd</sup> respondent, dated 24.01.2015 in C.M.A.No.55 of 2011, in accordance with law, 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 property. There shall be no order as to costs.

11. The Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

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

27<sup>th</sup> July 2015

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