

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

W.P.No.22464 of 2007

ORDER:

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

"To issue an appropriate writ order or direction preferably one in the nature of a writ of Mandamus declaring the action of the respondents no. 1 to 3 herein in initiating proceedings for the purpose of resuming the land in Sy.Nos. 122 and 123 to the extent of Ac 0-35 gts and Ac 1-01 gts respectively situated at Ruyyadi Village, Talamadugu Mandal, Adilabad District into Government custody exercising powers under Sec.3(2) of the A.P. Schedule Area Land Transfer Regulation 1959 and trying to assign the said land to 3rd Parties as illegal void without jurisdiction besides being violative of the principles of natural justice and depriving the petitioner's right to property under Art.300-A of the Constitution".

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare appearing for Respondents, apart from perusing the material available before the Court.

3. The Special Deputy Collector (Tribal Welfare), Adilabad Headquarters, Utnoor, Adilabad district-3rd respondent by way of an order in Case No.TWA2/167/97 dated 7.7.1997 directed ejectment from the land bearing S.No.122 admeasuring Ac.0.35 cents and S.No.123 admeasuring Ac.1.01 cents situated at Ruyyadi village while ordering resumption to the State Government. Aggrieved by the said order, petitioner herein preferred appeal before the Additional Agent to the Government and Project Officer, ITDA, Adilabad Headquarters, Utnoor. The Additional Agent to the Government by way of an order vide proceedings No.LTR/A4/25/1997 dated 23.9.2006 rejected the said appeal filed by the petitioner upholding the order passed by the Special Deputy Collector. Assailing the validity of the said orders passed

by the Primary and Appellate Authorities, the petitioner herein filed a revision before the State Government under Section 6 of Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959. The Government, by way of letter dated 9.2.2007, rejected the said revision as time barred. The said order is under challenge in the present writ petition.

4. According to the learned counsel for the petitioner, the said action on the part of the 1st respondent in rejecting the revision as time barred is erroneous and contrary to law and opposed to the very spirit and object of the Land Transfer Regulations. He further submitted that there is no time prescribed under the Regulations for filing the revision.

5. On the contrary, it is vehemently contended by the learned Government Pleader that the Primary and Appellate Authorities after thoroughly considering the material available on record, rejected the claim of the petitioner and the 1st respondent correctly rejected the revision.

6. As evident from the impugned letter dated 9.2.2007, as against the order of the Agent to the Government dated 23.9.2006, the petitioner herein preferred revision before the State Government and the same was received by the State Government on 13.12.2006. Section 6 of the A.P. Scheduled Areas Land Transfer Regulations, 1959 empowers the State Government to revise any decree or order passed by the Agent/Agency Divisional Officer. Rule 8(1) of the A.P. Scheduled Areas Land Transfer Rules, 1969 deals with limitation for preferring appeals. According to Rule 8(2), an appeal lies to the Agent to the Government within a period of two months from the date of the decree or order appealed against. It is very much evident from the Act and the Rules made thereunder, there is no time limit prescribed for preferring

the revision before the State Government under Section 6 of the A.P. Scheduled Areas Land Transfer Regulation, 1959.

7. In the instant case, since the petitioner herein filed a revision within a reasonable time, the 1st respondent herein ought to have entertained the revision and passed appropriate orders on merits in accordance with law. The said exercise is conspicuously absent in the present case. Therefore, this Court is of the considered opinion that the impugned letter dated 9.2.2007, rejecting the revision filed by the petitioner as time bared cannot be sustained in the eye of law and the 1st respondent is required to decide the revision on merits.

8. For the aforesaid reasons, the writ petition is allowed, setting aside the letter bearing No.14949/LTP-2/06 dated 9.2.2007 passed by the 1st respondent. Consequently the revision filed by the petitioner is restored to file and the 1st respondent shall pass appropriate orders on merits on the revision filed by the petitioner, after giving notice and opportunity to the petitioner. Till the said exercise attains finality, the order of status quo granted by this Court on 18.1.2008 in W.P.M.P.No.29185 of 2007 shall remain operative. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 19.10.2016
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