

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 1182 of 2008

Order:

The petitioner states that her mother Madineni Rangamma was the absolute owner and possessor of the lands in Survey No.197/2A and 197/3A in an extent of Ac.2-53 cents and Ac.1.80 cents respectively situated at Gundala village, Bhadrachalam Mandal, Khammam District. The revenue authorities also issued pattadar passbook. She died on 21.08.1996 at the age of 90 years. While so, proceedings were initiated *suo motu* by the first respondent against one Achutha Rao and the mother of the petitioner in LTR Case No.16/Bhadrachalam/2004 and an order of eviction was passed on 30.11.2007. Challenging the said order passed against a dead person, the present Writ Petition was filed.

2. A perusal of the order passed by the first respondent – Agency Divisional Officer and Sub-Collector, Bhadrachalam, Khammam District, shows that notices were served on the respondents therein and both the respondents attended the Court. If the second respondent died on 21.08.1996 the appearance of the second respondent does not arise. However, the first respondent therein stated before the first respondent herein that he is in possession of the land after taking it on lease from the second respondent. It was recorded that the second respondent namely Madineni Rangamma admitted that she gave the land on lease to the first respondent for four years. The first respondent came to the conclusion that in view of statements made by the respondents 1 and 2 and pahani of the year 2004-05 filed by the Mandal Revenue Officer, Bhadrachalam, the case does not require any further evidence to prove the violation under the provisions of Land Transfer Regulations. Accordingly, he passed an order on 30.11.2007 ordering eviction. But the present petitioner

states that the statement made by Achutha Rao before the first respondent was false and since the entire proceedings were initiated against a dead person they are not valid in law.

3. The order passed by the first respondent is an appealable order to the Agent to Government. Since the claim of the petitioner involves investigation into the facts, this Court is not inclined to entertain the present writ petition, but gives liberty to the petitioner to file an appeal to the Agent to Government, Khammam District, within a period of three (3) months from the date of receipt of a copy of this order and, in the meanwhile, the order of interim suspension passed by this Court on 25.01.2008 will continue. If the petitioner does not file an appeal within the said time the order of eviction passed in LTR Case No.16/Bhadrachalam/2004, dated 30.11.2007, can be implemented.

4. With the above observations, the Writ Petition is dismissed. There shall be no order as to costs.

5. As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A.
Date: 11.03.2016
Nsr

RAMALINGESWARA RAO, J.