

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

W.P.No.1452 of 2009

ORDER:

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

“To issue writ or direction preferably writ of Mandamus, declaring the order of the 1st respondent dated 2.1.2009 issued in Lr.No. 9486/LTR-2/2008-2 rejecting the stay pending revision as illegal arbitrary, and violative of principles of natural justice and consequently direct the respondents not to dispossess the petitioner from the subject land in Sy.No. 1277 measuring an extent of Acs.6-26 gts situated at Nagupalli Village, Dammameta Mandal of Khammam District, pending disposal of the Revision Petition, which is pending on the file of the 1st respondent.”

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

3. The Deputy Collector Tribal Welfare, Bhadrachalam initiated enquiry under the provisions of the A.P. Scheduled Areas (Land Transfer) Regulations, 1969 in respect of the subject lands and passed an order vide LTR.Case.No.396/2005/DPT dated 19.10.2005 dropping proceedings in favour of the grand-mother of the petitioner namely Morampodi Rukminamma. As against the said order dated 19.10.2005, CMA.67 of 2007 was filed before the Additional Agent to the government/second respondent herein and the second respondent herein by way of an order dated 28.06.2008 allowed the said appeal, ordering ejectment of the petitioner. Aggrieved by the said order, the petitioner herein preferred a revision before the State Government under the provisions of Section 6 of the Land Transfer Regulations. The State Government vide letter bearing Lr.No.9486/LTR-2/2008-2 dated 02.01.2009 rejected the stay application filed by the petitioner. The said order passed by the first respondent rejecting the stay application is under challenge in the present writ petition.

4 This Court while ordering *Rule Nisi on* 30.01.2009 granted interim

stay as prayed for.

5. According to the learned counsel for the petitioner, the order impugned passed by the first respondent is highly illegal, arbitrary and opposed to the very spirit and object of the provisions of the Land Transfer Regulations. It is also the submission of the learned counsel for the petitioner that the first respondent grossly erred in rejecting the stay application without assigning any reasons.

6. On the contrary, reiterating the contents in the counter affidavit, it is submitted by the learned Government Pleader that there is no illegality nor there exists any infirmity in the impugned action and the first respondent is perfectly justified in rejecting the stay application as the petitioner herein failed to show any *prima facie* case in their favour.

7. This Court, as long back as on 30.01.2009 admitted the writ petition and granted interim stay of dispossession of the petitioner from the subject land and the said order is subsisting till date. It is also brought to the notice of this Court by the learned counsel for the petitioner that the revision filed by the petitioner is still pending before the first respondent state Government.

8. Having regard to the nature of controversy and taking into account the submissions of the learned counsel for the petitioner and the learned Government Pleader, this Court is of the considered opinion that the ends of justice would be served if the first respondent State Government is directed to pass appropriate orders on the revision filed by the petitioner by fixing some time frame and by continuing the interim order till the disposal of the said appeal.

9. For the foresaid reasons, writ petition is disposed of, directing the first respondent State Government to pass appropriate orders on the revision filed by the petitioner under the A.P. Scheduled Area Land Transfer Regulations against the orders of the Additional Agent to Government dated 19.10.2005 in CMA.No.67 of 2007 in respect of the land in Sy.No. 1277 measuring an extent of Acs.6-26 gts situated at Nagupalli Village,

Dammapeta Mandal of Khammam District as expeditiously as possible. Till such exercise attains finality, interim stay granted on 30.01.2009 shall continue to operate. As a sequel, miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V. SSHA SAI, J

Date:11.7.2016

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Dated 11th July, 2016

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