

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

W.P.No.696 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 3.1.2009 issued in Lr.No.9484/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 measuring Acs.1-26 gts in S.No.43 situated at Annaram Village, Mulakalapalli Mandal of Khammam District, pending disposal of the Revision Petition, which is pending on the file of the 1st respondent.”

2. Heard Sri Kowturu Vinayakumar, learned counsel for the petitioner and the learned Government Pleader for Social Welfare.

3. According to the petitioner, she is in continuous possession and enjoyment of the agricultural land admeasuring Acs.1-26 gts in S.No.43 situated at Annaram Village, Mulakalapalli Mandal of Khammam District and she succeeded to the said property through her mother one Late Ramulamma by way of a Registered Will Deed dated 16.03.2004. The Agency Divisional Officer/Special Deputy Collector, Tribal Welfare, Bhadrachalam, Khammam District initiated enquiry under the provisions of A.P. Scheduled Areas Land Transfer Regulations and passed an order on 30.04.2004 ordering ejectment of the mother of the petitioner from the schedule land. As against the said order, petitioner's mother filed CMA.51 of 2005 before the Additional Agent to the Government and the Additional Agent to Government/second respondent herein by way of an order dated 28.07.2007 dismissed the said appeal. Thereafter, according to the petitioner, her mother died and the petitioner filed a revision along with the stay application before the State Government under the provisions of Section 6 of the Regulations on 06.10.2008 and the state Government vide Lr.No.9484/LTR-2/2008-2 dated 3.1.2009 rejected the stay application of the petitioner.

4. This Court, as long back as on 21.09.2009 admitted the writ petition and granted interim stay of dispossession of the petitioner from the subject lands 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 28.07.2007 in CMA.No.51 of 2005 in respect of the land admeasuring Acs.1-26 cents in S.No.43 situated at Annaram village, Mulakalapli Mandal of Khamman District as expeditiously as possible. Till such exercise attains finality, interim stay granted on 21.09.2009 shall continue to operate. As a sequel, miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V. SESA SAI, J

Date:11.7.2016

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Dated 11th July, 2016

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