

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

W.P.No.28585 of 2007

ORDER:

This writ petition is filed under Article 226 of the Constitution of India questioning the order passed by the Special Deputy Collector, Tribal Welfare, Rampachodavaram, East Godavari District/first respondent herein in LTRP.No.22/2006, dated 09.10.2007.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare for the respondents.

3. According to the petitioner, he is the absolute owner and possessor of the land ademeasuring Ac.7-68 cents in Sy.No.83 situated at Vattigedda Village, Rajavommangi Mandal, East Godavari District. It is further averred that the said landed property was purchased by his father one Mr.Thamayya under a Registered Sale Deed dated 30.01.1961 from a non-tribal, namely Nanisetti Venkateswara Rao. It is further stated that ever since the year 1961 the family members of the petitioner have been in continuous possession and enjoyment of the said property.

4. On the complaint made by the third respondent, the Special Deputy Collector/first respondent herein, pressed into service the provisions of the A.P. Scheduled Areas Land Transfer Regulations and passed an order of eviction on 09.10.2007.

5. When the matter is taken up, an objection with regard to maintainability of the writ petition is taken. It is submitted by the learned Government Pleader that as against the impugned order, appeal lies to the Additional Agent to the Government under the regulations and without

availing the same, the present writ petition came to be filed directly before this Court.

6. On noticing the said contention, a request is made by the learned counsel for the petitioner to permit the petitioner to avail the said remedy of appeal before the appellate authority by granting some time. This Court considers the said request as reasonable.

7. For the aforesaid reasons, Writ Petition is disposed of, permitting the petitioner to file appeal before the appellate authority against the orders of the first respondent in LTRP.No.22/2006, dated 09.10.2007, within a period of two months from the date of receipt of this order and the appellate authority shall consider the same on merits, without reference to the aspect of limitation, after giving notice and opportunity of being heard to the petitioner herein. Pending disposal of the said appeal, the interim suspension order dated 31.12.2007 passed by this Court in WPMP.No.37345 of 2007 shall continue. It is made clear that in the event of failure to file the appeal within the time as stipulated, this order will not enure to the benefit of the petitioner. As a sequel, pending miscellaneous petitions, if any, shall stand disposed of. No costs.

A.V.SESHA SAI, J

Date:17.10.2016
grk



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Dated 17th October, 2016

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