

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

WRIT PETITION No.1871 OF 2009

ORDER:

This Writ Petition, filed under Article 226 of the Constitution of India, challenges the order passed by the 1st respondent – State Government, vide Lr.No.11162/LTR-2/2008-2, dated 12.01.2009.

2. Heard the learned counsel appearing for the petitioner and learned Government Pleader for Social Welfare for the State of Telangana, appearing for the respondents.

3. On the report submitted by the Mandal Revenue Officer, Bhadrachalam, the Agency Divisional Officer, Bhadrachalam– 2nd respondent herein, initiated enquiry under the provisions of the Andhra Pradesh Scheduled Area Land Transfer Regulations in respect of the land admeasuring Acres 06.00 Guntas situated in survey No.5/2 of Bhadrachalam Village and Mandal, Khammam District. The 2nd respondent herein vide L.T.R. Case No.12/BCM/2005, dated 31.12.2006, ordered ejectment of the petitioner from the said land, while directing the Mandal Revenue Officer, Bhadrachalam, to take over the possession of the said property. Aggrieved by the said order of ejectment passed by the 2nd respondent, the petitioner herein preferred C.M.A.No.235 of 2007 before the Additional Agent to Government, Bhadrachalam. The said

appeal also ended in dismissal on 21.06.2008. As against the said orders passed by the primary and appellate authorities, the petitioner herein filed revision before the 1st respondent-State Government under Regulation 6 of the Regulations on 25.11.2008. Along with the said revision, petitioner herein filed an application, seeking interim order. The State Government, vide Lr.No.11162/LTR-2/2008-2, dated 12.01.2009, rejected the request of the petitioner to grant interim order. The validity and the legal sustainability of the said order passed by the 1st respondent – State Government is under challenge in the present writ petition.

4. This Court, while ordering '*Rule Nisi*' on 05.02.2009, in W.P.M.P.No.2374 of 2009, granted an interim order of '*Status quo*' as to the possession of the petitioner.

5. A counter affidavit is filed by the Additional Agent to Government, Bhadrachalam, on 26.07.2012, denying the averments and allegations made in the affidavit filed in support of the writ petition and in the direction of justifying the impugned action.

6. According to the learned counsel for the petitioner, the impugned order in the present writ petition is highly arbitrary and illegal and opposed to the Regulations. It is further submitted by the learned counsel that since the revision filed by the petitioner is a statutory revision, the 1st respondent –

State Government grossly erred in rejecting the said application filed by the petitioner. It is further submitted that the impugned action is violative of Articles 14 and 300-A of the Constitution of India.

7. On the contrary, it is contended by the learned Government Pleader that there is absolutely no illegality in the order passed by the 1st respondent and the 1st respondent correctly declined to grant the stay in favour of the petitioner.

8. The information available before this Court vividly discloses that as against the orders passed by the primary and appellate authorities, the petitioner herein preferred a statutory revision under Regulation 6 of the Andhra Pradesh Scheduled Area Land Transfer Regulations. Petitioner herein also prayed for interim order by way of filing an application. The copy of the revision filed along with the writ petition as material paper shows that the revision petitioner/petitioner herein raised a number of grounds, attacking the orders passed by the primary and appellate authorities. It is also clear that while rejecting the stay application filed by the petitioner herein, the 1st respondent-State Government vide Memo No.11162/LTR-2/2008, dated 12.01.2009, called for the Para-wise remarks from the Additional Agent to Government, Bhadrachalam, so as to enable the Government to dispose of the revision. Having called for the Para-wise remarks from the Additional Agent to Government -

3rd respondent herein, this Court does not find any justification on the part of the 1st respondent in denying the interim order in favour of the petitioner herein. It is further clear from the order under challenge that the 1st respondent did not assign any reasons much less valid reasons for refusing to grant stay.

9. During the course of hearing, it is submitted by the learned counsel for the petitioner that the revision filed by the petitioner is pending consideration before the State Government and a request is made by the learned counsel for the petitioner that the said revision may be directed to be disposed of by the State Government by fixing some timeframe, while continuing the interim orders already passed by this Court.

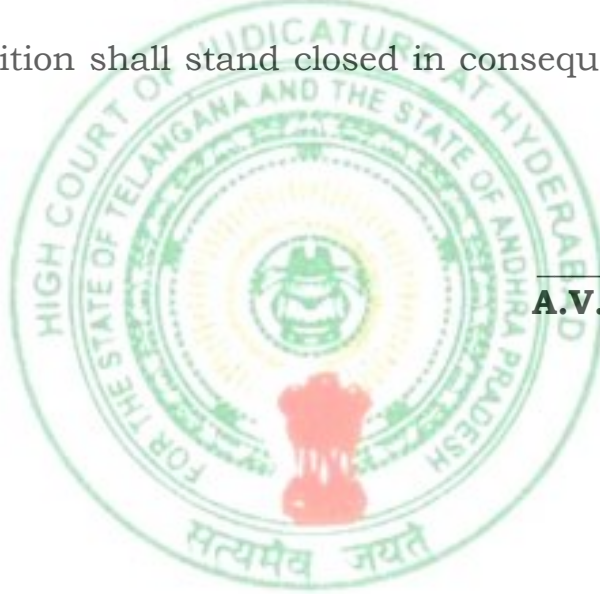
10. Having regard to the nature of controversy and the reasons mentioned supra, this Court is of the considered opinion that the ends of justice would be served, if the 1st respondent is directed to dispose of the revision petition filed by the petitioner by fixing some timeframe.

11. For the aforesaid reasons, writ petition is disposed of, directing the 1st respondent – State Government to pass appropriate orders on the revision dated 25.11.2008 filed by the petitioner against the orders passed by the Additional Agent to Government, Bhadrachalam, in C.M.A.No.235 of

2007, dated 21.06.2008 and the order of the 2nd respondent – Agency Divisional Officer in LTR Case No.12/BCM/2005, dated 31.12.2006, within a period of three months from the date of receipt of a copy of this order, by giving notice and opportunity of being heard to all the stake holders. Till such exercise attains finality, the interim order of ‘*Status quo*’ granted by this Court on 05.02.2009 in W.P.M.P.No.2374 of 2009 shall continue to operate.

12. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

21.11.2016
SS



A.V.SESHA SAI, J