

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

WRIT PETITION No.29145 of 2008

ORDER:

This Writ Petition, filed under Article 226 of the Constitution of India, challenges the action of the 1st respondent – State Government in not granting stay, pending revision preferred by the petitioner under the provisions of A.P. Scheduled Areas Land Transfer Regulation.

Heard, Sri K.V. Lakshmana Jayasimha, learned counsel for the petitioner and learned Government Pleader for Social Welfare for respondents.

According to the petitioner, she is the owner of an extent of Ac.0-84 cents in R.S.No.17/1, Ac.1-97 cents in R.S.No.17/2, Ac.5-25 cents in R.S.No.18 and Ac.1-17 cents in R.S.No.2/1 of Kotha Ramavaram village, Gangavaram mandal, East Godavari District and she is in possession and enjoyment of the sand lands since long time. It is further averred that the grand-father of the petitioner, Avasarala Seetharamaiah owned the said lands along with other lands and the Collector, East Godavari District granted permission in F.No.F/4664 of 1929 to hold and possess the same.

The Special Deputy Collector on the complaint of the 4th respondent herein initiated proceedings under the provisions of A.P. Scheduled Areas Land Transfer Regulation 1/1959 as

amended in 1/1970 (herein after called, 'the Regulations') and passed an order in L.T.R.P.No.119 of 1997 on 07-05-2002, dropping further action.

As against the said order passed by the primary authority the Special Deputy Tahsildar preferred C.M.A.No.79 of 2005 before the Additional Agent to Government, Rampachodavaram, East Godavari District – 2nd respondent herein. The 2nd respondent – Additional Agent to Government, by way of an order, dated 01-12-2008 allowed the said C.M.A.No.79 of 2005, ordering ejectment of the petitioner from the subject lands.

Aggrieved by the said order passed by the 2nd respondent – appellate authority, the petitioner herein preferred revision before the State Government – 1st respondent under Regulation 6 of the Regulations on 12-12-2008 and along with the said revision she also filed an application, seeking stay of eviction from the subject lands.

The grievance of the petitioner in the present writ petition is that though she filed statutory revision before the State Government – 1st respondent as long back as on 12-12-2008, the 1st respondent did not pass any orders either on the revision or on the stay application and the 4th respondent herein started pressurizing the petitioner to deliver the subject lands pursuant to the orders of the 2nd

respondent. With the above pleadings, the present writ petition came to be filed.

This Court, while ordering *rule nisi* on 31-12-2008 granted interim stay as prayed for in W.P.M.P.No.38081 of 2008. The said interim stay granted by this Court is still subsisting and no counter-affidavit is filed by the respondents herein resisting the writ petition.

At the Bar, it is submitted by learned counsel for the petitioner so also the learned Government Pleader that the revision filed by the petitioner is still pending. Having regard to the nature of controversy and keeping in view the submissions made by learned counsel for the petitioner so also the learned Government Pleader 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 while directing the interim orders to continue, pending disposal of the same.

For the aforesaid reasons, the writ petition is disposed of, directing the 1st respondent – State Government to dispose of the revision, dated 12-12-2008 filed by the petitioner against the orders of the Additional Agent to the Government, Rampachodavaram – 2nd respondent herein, dated 01-12-2008 in C.M.A.No.79 of 2005, within a period of three (3) months from the date of receipt of a copy of this

order after giving notice to the petitioner. Pending such exercise, the interim order granted by this Court on 31-12-2008 in W.P.M.P.No.38081 of 2008 shall continue to operate. There shall be no order as to costs.

The Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A.V. SESA SAI, J

October 27, 2016

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