

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No. 18274 of 2016

ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for Tribal Welfare.

With the consent of both the parties, the writ petition is disposed of at the admission stage.

The present writ petition is filed seeking to declare the inaction of the second respondent in passing orders in stay petition and delay condonation petition in Land Transfer Regulation (LTR) Appeal filed by the petitioners on 19.05.2016 challenging the order dated 20.02.2016 in LTR Case No.6 of 2015-Kmpl, as illegal and arbitrary.

A perusal of the averments in the affidavit filed in support of the petition would show that originally land admeasuring Acs.50.00 in Survey No.213 situated at Vootukooru Village, Kamepalli Mandal, Khammam District was a private patta land. Out of which an extent of Acs.3.00 was in occupation by one Thumuluri Seshaiah since 1960, who is the paternal uncle of the petitioners. The said Seshaiah was issueless and on his death, the petitioners have been in possession of the said property. That being the position, the unofficial respondent filed a petition before the third respondent claiming ownership over the land admeasuring Acs.3.30 guntas in Survey No.213/1 situated at Vootukooru Village pursuant to which a show cause notice was issued to the petitioners under Section 7(1) and 7(2) of the Andhra Pradesh State Assigned Land Transfer Rules, 1969, stating as to why the petitioners should not be ejected from the land. After considering the objections of both the parties and the material available, the primary authority directed the Tahsildar to

restore the scheduled land to the unofficial respondents. The order was passed on 20.02.2016. Challenging the same, the petitioners preferred an appeal before the second respondent along with an application to condone the delay and also for stay of the order passed by the primary authority. It is stated that though the stay application and the appeal is pending, the authorities are trying to dispossess the petitioners.

Learned counsel for the petitioners submits that though the petitioners are in possession of the property since 40-50 years, the authorities are trying to dispossess them, without considering the pendency of the appeal and the stay application.

Having regard to the circumstances stated above, the second respondent shall pass orders in the delay and stay petitions as early as possible, preferably within a period of six weeks from the date of receipt of a copy of this order. Having regard to the statement made that the petitioners are in possession of the property in dispute since last 40-50 years, *status quo* as on today shall be maintained with regard to the property in question, till then.

Accordingly, the writ petition is disposed of. Miscellaneous petitions, pending if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE C.PRAVEEN KUMAR

10.06.2016,
Issue CC by 14.06.2016,
B/o.
vhb