

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.41736 of 2016

ORDER:

1. This writ petition is filed seeking to issue a writ or order more particularly, one in the nature of writ of *mandamus* to declare the action of the 1st respondent in not passing appropriate orders either on the stay petition or on the revision itself filed on 19.10.2016 against the order of the 2nd respondent dated 27.8.2016, in C.M.A.No.23 of 2016 confirming the order of respondent No.3 in Case No.11/2015/Singareni, dated 30.4.2016, as illegal, arbitrary and violative of principles of natural justice and consequently, to direct respondent No.1 to consider and dispose of the stay petition or the revision itself within a reasonable time and further, to direct the respondents or their subordinate staff not to dispossess the petitioners from land in Sy.No.56 to an extent of Ac.15-00 guntas situated at Relakayalapalli Village, Karepally Mandal of Khammam District pending disposal of the said revision.

2. Heard and perused the material available on record.

3. It is the case of the petitioners that they are the absolute owners of land in Sy.No.56 to an extent of Ac.15-00 guntas situated at Relakayalapalli Village, Karepally Mandal of Khammam District and they are in continuous possession and enjoyment of the same by way of succession from their ancestors. While so, on 30.4.2016, respondent No.3 passed an order of eviction against the petitioners under the Andhra Pradesh Scheduled Areas Land Transfer Regulations Act, 1959, while directing respondent No.4 to take possession and assign the same to the eligible tribals. Challenging the same, the petitioners preferred C.M.A.No.23 of 2016 before respondent No.2 and the same was dismissed on 27.8.2016 with a direction to

respondent No.4 to initiate proceedings under 6-A & 6-B of the A.P. Scheduled Areas Land Transfer Regulations Act, 1959. Challenging the same, on 19.10.2016, the petitioners herein preferred revision before respondent No.1 along with a stay petition and the same is pending. In the meanwhile, respondent No.4 is insisting the petitioners to vacate from the subject property. Hence, they apprehend that they may be dispossessed from the subject property.

4. Considering all the facts and circumstances of the case, this Court is of the view that the writ petition can be disposed of with the following direction:

“Respondent No.1 is hereby directed to dispose of the revision preferred by the petitioners on 19.10.2016 against the order, dated 27.8.2016, of respondent No.2 in C.M.A.No.23 of 2016 within a period of three (3) months from the date of receipt of a copy of this order. Till then, the order passed in C.M.A.No.23 of 2016 is stayed. It is made clear that respondent No.1 shall dispose of the revision on its own merits without being influenced by the stay granted by this Court.”

5. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

Dated: 5th December, 2016
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THE HONOURABLE SRI JUSTICE RAJA ELANGO



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