

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.3988 of 2008

ORDER:

1. This writ petition was filed challenging the initiation of proceedings by the second respondent in L.T.R. Case No.4/CHRL/2008 dated 06.02.2008.

2. The second respondent initiated proceedings under the provisions of A.P. Scheduled Area Land Transfer Regulation 1959 read with 1 of 1970 in respect of an extent of Ac.1.02 in Sy.No.170/1 of Charla village and Mandal, Khammam District.

3. The case of the petitioners is that they are eking out their livelihood by way of small shops belonging to the Charla Gram Panchayat. The shops were leased out to them on nomination basis. In spite of leasing out the shops in their favour, the proceedings are being taken by the second respondent.

4. A counter-affidavit is filed by the third respondent stating that Charla village is situated in the scheduled area and the shops should be leased out to the Scheduled Tribes only. The petitioners are non-tribals and are not eligible to take shops on lease from the third respondent. A complaint was lodged on 01.02.2008 stating that the non-tribals are in possession of Charla Gram Panchayat shops against the provisions of the A.P. Scheduled Area Land Transfer Regulation 1959 read with 1 of 1970. Basing on the said report, the proceedings were initiated by the second respondent. Though the Gram Panchayat is empowered to lease out the shops on open auction basis or by nomination, it should be done in favour of the tribals only.

5. In view of the fact that Charla village is situated in the scheduled area, the initiation of the proceedings by the second respondent cannot be found fault with. It is open to the petitioners to submit their objections to the notice issued by the second respondent on 06.02.2008 and the second respondent shall consider the same and dispose of the case

before him after giving due opportunity to the petitioners.

6. The Writ Petition is accordingly disposed of. No order as to costs.

7. Miscellaneous petitions, if any, pending shall stand closed.

A.RAMALINGESWARA RAO, J

26-02-2016

Gsn