

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

WRIT PETITION No.12935 of 2006

ORDER:

Heard, Sri S.M. Subhan, learned counsel for the petitioner and learned Government Pleader for Social Welfare for respondents.

The petitioner herein claims to be the owner and possessor of the land admeasuring Ac.1-00 guntas in Sy.No.40/aa situated at Annaram village of Mulakalapalli Mandal, Khammam District. It is further pleaded that the petitioner's father purchased the said land before commencement of the A.P. Schedule Area Land Transfer Regulations from one Md. Mahaboob Khan and the said person executed an agreement of sale in favour of the father of the petitioner and inducted him into the possession of the property.

The Special Deputy Collector, pressed into service the provisions of A.P. Schedule Area Land Transfer Regulations (hereafter called, 'the Regulations') and passed an order in case No.429/98/MKP, dated 27-12-2004 in exercise of the powers conferred under Sub Section 2(a) of Section 3 of the Regulations, ordering ejectment of the petitioner from the subject land.

Aggrieved by the said order of ejectment the petitioner herein preferred L.T.R. Case Appeal No.62 of 2005 before the 3rd respondent – the Additional Agent to the Government. The 3rd respondent passed an order in C.M.A.No.62 of 2005 on 17-09-2005, rejecting the appeal of the petitioner as abated.

Challenging the validity of the said orders passed by the primary and appellate authority, the present writ petition came to be filed.

This Court, while ordering notices on 27-06-2006, initially granted an order of *status quo* for a period of three (3) weeks and thereafter extended the same till further orders on 01-08-2016. Responding to the *rule nisi* issued by this Court, a counter-affidavit is filed by the 3rd respondent – the Additional Agent to Government, denying the averments and the allegations made in the affidavit filed in support of the writ petition and in the direction of justifying the impugned action.

It is contended by learned counsel for the petitioner that the orders passed by the primary as well as the appellate authorities are highly illegally, arbitrary, unreasonable and in deviation to the Regulations. It is the further submission of learned counsel for the petitioner that appellate as well as the primary authorities did not properly consider the material available on record.

On the contrary, it is vehemently contended by learned Government Pleader that having filed a revision petition before the State Government against the orders impugned, it is not open for the petitioner herein to maintain the present writ petition before this Court under Article 226 of the Constitution of India. It is the further submission of learned Government Pleader that the petitioner herein who is a non-tribal failed to establish his lawful possession over the property, as such, the orders impugned do not warrant any interference by this Court under Article 226 of the Constitution

of India.

As evident from the affidavit filed in support of the writ petition, the petitioner herein already approached the State Government by way of revision under the provisions of Section 6 of the Regulations vide C.No.1719-LTR/2/06 on 21-02-2006. The *status quo* order granted by this Court on 27-06-2006 is subsisting till date.

In view of the said revision, already filed by the petitioner herein, this Court is of the considered opinion that the ends of justice would be served if the 1st respondent is directed to pass appropriate orders on the revision said to have been filed by the petitioner vide C.No.1719-LTR/2/06 against the orders passed by the Special Deputy Collector on 27-12-2004 as confirmed in appeal by the Additional Agent to Government vide orders in C.M.A.No.62 of 2005, dated 17-09-2005 by fixing some time frame.

For the aforesaid reasons, the writ petition is disposed of, directing the 1st respondent – State Government to pass appropriate orders on the revision said to have been filed by the petitioner vide C.No.1719-LTR/2/06 in respect of the land admeasuring Ac.1-00 guntas in Sy.No.40/aa situated at Annaram village of Mulkakapalli mandal, Khammam District within a period of three (3) months from the date of receipt of a copy of this order, if not already disposed of, after giving notice and opportunity of being heard to the petitioner herein. Till then, *status quo* granted by this Court, on 27-06-2006, as extended on 01-08-2006, shall remain operative.

Miscellaneous Petitions pending, if any, shall stand closed.
There shall be no order as to costs.

A.V. SESA SAI, J

June 30, 2016

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