

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

W.P.No.15745 of 2007

ORDER:

The grievance of the petitioner in the present writ petition is the action of the respondents and their subordinates in trying to dispossess the petitioner on the basis of the order in LTR.No.330/94/MGR, dated 30.05.1995, in respect of an extent of Ac.1-23 gts in Sy.No295 situated at Manuguru village and mandal, Khammam District.

2. Heard Sri Kowturu Vinayakumar, learned counsel for the petitioner and the learned Government Pleader for the respondents.

3. A counter affidavit is filed by the Special Deputy Collector, Tribal Welfare, Bhadrachalam and paragraphs 4 to 7 of the said counter read, as under:

“4. In reply to Para- 2, it is submitted that, it is fact that Sri Matta Ramaiah was pattedar to an extent of acs.7-26 out of Sy.No.295 of Manuguru Village and also an extent of Acs.1-27 out of Sy.No.133 of Samithisingaram Village of Manuguru Mandal. It is a fact that Gobbala Moram Setti, S/o Suranna, R/o manuguru had purchased the land in an extent of Acs.1-07 Gts out of Sy.No.295 of Manuguru Village.

5. In reply to para-3, it is submitted that, it is fact that the Special Deputy Collector (TW), Palvoncha has build up a LTR Case No.936/74/MNG after enquiry Special Deputy Collector (TW), Palvoncha dropped the action on the ground that the transaction in between Matta Ramaiah and Gubbala Moram Setti is not attracted the provisions of sub-section (1) of section (3) APSALTR Regulation and passed orders accordingly on 06.12.1976.

6. In reply to Para -4, it is submitted that, it is fact that the another *suo-moto* case has been failed up in case No.330/94/MNGR against Matta Ramachandru, S/o Pitchaiah, V/s. Muttiparthi Tata Rao, Kondarapu Narasimha Rao for the remaining, extent of ac.6-19 out of Sy.No.295 of Manuguru Village. It is to submit that the Special Deputy Collector (TW), Palvoncha after through enquiry and after giving reasonable opportunity to the both petitioner and respondent. The Spl. Dpy. Collector (TW), Palvoncha passed ejectment order in

favour of petitioner and with a direction to respondent No.2 to implement the ejectment orders and also restore the physical possession of the land to the petitioner.

7. In reply to Para -5, it is submitted that, as stated in the supra the respondent No.2 has ejected respondents and handed over to the petitioner under cover of panchanama.

Further it is also to submit that the petitioner without availing the opportunity before appropriate Form has filed present Writ Petition.”

4 . It is very much evident from a reading of the above paragraph 6 of the counter affidavit that the respondents have initiated the impugned action only in respect of the remaining extent of Ac.6-19 cents in Sy.No.295 of Manugoor Mandal and village and in view of the same the apprehension of the petitioner is baseless.

5. While referring to the above averments in the counter, the learned counsel for the petitioner has requested this court to place on record the said averments of the counter affidavit and dispose of the writ petition.

6. For the aforesaid reasons, the writ petition is disposed of, by placing on record the above averments made in the counter affidavit of the first respondent/Special Deputy Collector, Tribal Welfare, Bhadrachalam. As a sequel, miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V. SESA SAI, J

Date:08.7.2016

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Dated 08th July, 2016

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