

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

W.P.No.28180 of 2007

ORDER:

This Writ Petition, filed under Article 226 of the Constitution of India, assails inaction on the part of the first respondent/Additional Agent to Government/Project Officer, ITDA, Bhadrachalam, Khammam District in passing orders either on the stay petition or on the appeal filed by the petitioner on 07.12.2007 against the orders of eviction passed by the second respondent/the Special Deputy Collector (Tribal Welfare), Bhadrachalam, Khammam District, in Case No.303/2007/MGR, dated 20.10.2007.

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

3. Petitioner herein claims to be the absolute owner and possessor of the house bearing No.9-1-111 admeasuring 0-02 guntas situated in Sy.Nos.206 and 209 of Bandarugudem village, Manuguru Mandal, Khammam District. According to the petitioner, his father purchased the said property on 16.05.1960 from one Sri Bandaru Tirumalaiah, s/o Narayana, pattedar of the said property. The Special Deputy Collector, Bhadrachalam, Khammam District/second respondent herein passed order of ejectment dated 20.10.2007 in Case No.303/2007/MGR, dated 20.10.2007. Aggrieved by the said order, the petitioner herein filed a statutory appeal under the provisions of A.P. Scheduled Area Land Transfer Regulations on 07.12.2007. The petitioner herein filed the present writ petition when no interim orders were passed by the appellate authority.

4. This Court, on 28.12.2007, directed the respondents herein not to dispossess the petitioner from the subject property.

5. Responding to the *Rule Nisi* issued by this Court, counter affidavit is filed by the second respondent/Special Deputy Collector (Tribal Welfare), Bhadrachalam, Khammam District, denying the allegations in the writ affidavit and in the direction of justifying the impugned action. It is submitted by the learned counsel for the petitioner that the appeal is still pending before the first respondent/Additional Agent to Government and no final orders have been passed so far.

6. In the facts and circumstances of the case, this Court deems it appropriate to dispose of the present writ petition by directing the first respondent to pass appropriate orders on the appeal dated 07.12.2007, filed by the petitioner, against the orders in Case No.303/2007/MGR, dated 20.10.2007.

7. Accordingly, the writ petition is disposed of, directing the first respondent/Additional Agent to Government/Project Officer, ITDA, Bhadrachalam, Khammam District to pass appropriate orders on the appeal dated 07.12.2007, filed by the petitioner, against the orders in Case No.303/2007/MGR, dated 20.10.2007, after giving notice and opportunity of being heard to the petitioner and to all the stake holders, if the same is pending as on date. It is made clear that pending such exercise, *status quo* as regards the possession over the schedule property shall be maintained. It is also made clear that if the appeal filed by the petitioner is already disposed of, he can avail remedy open for him according to law. As a sequel, pending miscellaneous petitions, if any, shall stand disposed of. No costs.

A.V.SESHA SAI, J

Date:31.10.2016
grk



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



W.P.No.28180 of 2007

grk