

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

WRIT PETITION No.19003 of 2006

ORDER:

This writ petition filed under Article 226 of the Constitution of India challenges the order passed by the 1st respondent – Additional Agent to the Government in ACMA No.27 of 2002 (LTR), dated 14-07-2006 confirming the order of ejectment passed by the 2nd respondent – Agency Divisional Officer and Special Deputy Collector, (T.W.), Paderu in L.T.R.Nos.140 of 2002 and 143 of 2002, dated 19-10-2002.

Heard learned counsel for the petitioners and learned Government Pleader for Social Welfare for respondent Nos.1 to 3. Despite service of notice none appears for respondent Nos.4 and 5.

The Agency Divisional Officer and Special Deputy Collector, (T.W.), Paderu, Visakhapatnam District pressed into service the provisions of A.P. Scheduled Areas Land Transfer Regulation, 1959 (for short, 'the Regulation') and passed an order of ejectment in L.T.R.Nos.140 of 2002 and 143 of 2002, dated 19-10-2002 against the petitioners herein. Aggrieved by the said orders of ejectment the petitioners herein filed a statutory appeal before the 1st respondent – Additional Agent to Government and the 1st respondent vide order, dated 14-07-2006 dismissed ACMA No.27 of 2002 (LTR).

Challenging the validity of the said orders passed by the

appellate authority confirming the orders of the primary authority, the present writ petition came to be filed. This Court while ordering *rule nisi*, on 11-09-2006, granted an order of *status quo* in WPMP No.23907 of 2006.

When the matter is taken up, a preliminary objection with regard to the maintainability of the writ petition is taken by the learned Government Pleader for Social Welfare by contending that as against the orders of the 1st respondent, the Regulation provides for revision to the State Government. Regulation 6 of the Regulation reads as under:

“6. Revision of A.P. Scheduled Areas Land Transfer Regulation, 1959:

The State Government may revise any decree or order passed by the Agent, the Agency Divisional Officer or any other prescribed officer under this Regulation:

Provided that this power shall be exercised only after due notice to the parties affected by the decree or order and after giving them a reasonable opportunity of being heard.”

In view of the availability of the alternative remedy of revision to the State Government, this Court is inclined to relegate the petitioners to the said alternative remedy.

For the aforesaid reasons, the writ petition is disposed of, giving liberty to the petitioners to avail the alternative remedy of revision to the State Government by filing the same within a period of one month from the date of receipt of a copy of this order. If any such appeal is filed within the time stipulated above, the State Government shall make an endeavour to dispose of the same, as expeditiously as possible, in accordance with law, after giving

notice and opportunity of being heard to all the stakeholders and pending disposal of the said revision, the interim order granted by this Court on 11-09-2006 in WPMP No.23907 of 2006 shall continue. It is further made clear that if no such revision is filed within the time stipulated above, it is open for the respondent authorities to take action, in accordance with the orders impugned in the present writ petition.

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

A.V. SETHA SAI, J

June 24, 2016

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