

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.34072 OF 2016

ORDER:

This writ petition is filed seeking to issue a writ or order more particularly, one in the nature of writ of *mandamus* to declare the action of respondent No.1 in not passing appropriate orders either on the stay petition or on the revision itself filed on 2.9.2016 against the order of respondent No.2, dated 6.8.2016, in C.M.A.No.70 of 2003 confirming the order of respondent No.3 in Case No.1162/97/MKP, dated 18.11.1997, as illegal, arbitrary and violative of principles of natural justice and consequently, to direct respondent No.1 to consider and dispose of the stay petition or the revision itself within a reasonable time and further, to direct the official respondents or their subordinate staff not to dispossess the petitioners from land in Sy.No.63 to an extent of Ac.8-21 guntas at Charlapally Village, Mulakalapalli Mandal of Khammam District pending disposal of the said revision.

2. Heard and perused the material available on record.
3. Case of the petitioners is that they are the absolute owners of land in Sy.No.63 to an extent of Ac.8.21 guntas at Charlapally Village, Mulakalapalli Mandal of Khammam District and they are in continuous possession and enjoyment of the same. Originally, the father of the petitioners has purchased the said property from one Kallur Ramachandar Rao and his wife Ranganayakamma on 29.3.1962. While so, on 18.11.1997, respondent No.3 passed an order of eviction against the father of the petitioners under the Andhra Pradesh Scheduled Areas Land Transfer Regulations Act,

1959 and further, directed respondent No.4 to assign the same to the eligible tribals. Challenging the same, the father of the petitioners preferred C.M.A.No.70 of 2003 before respondent No.2 and the same was dismissed on 6.8.2016 with a direction to respondent No.4 to initiate proceedings under 6-A & 6-B of the A.P. Scheduled Areas Land Transfer Regulations Act, 1959. Challenging the same, on 2.9.2016, the petitioners herein preferred revision before respondent No.1 along with a stay petition and the same is pending. In the meanwhile, respondent No.4 is insisting the petitioners to vacate the same from the subject property. Hence, they apprehend that they may be dispossessed from the subject property.

4. Considering all the facts and circumstances of the case, this Court is of the view that the writ petition can be disposed of with the following direction:

Respondent No.1 is hereby directed to dispose of the revision preferred by the petitioners on 2.9.2016 against the order, dated 6.8.2016, of respondent No.2 in C.M.A.No.70 of 2003 within a period of three (3) months from the date of receipt of a copy of this order. Till then, the order passed in C.M.A.No.70 of 2003 is stayed. It is made clear that respondent No.1 shall dispose of the revision on its own merits without being influenced by the stay granted by this Court.

5. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

6. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

18.10.2016
AMD



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Date: 18.10.2016

AMD