

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.24842 of 2007

ORDER:

1. The petitioner claims to be in possession and enjoyment of the land admeasuring an extent of Ac.6.38 cents in Sy.No.49/8 situated at Chatakonda village of Kothagudem Mandal, Khammam District. It is the case of the petitioner that he purchased the said land from one Smt.Radhabai under a sada sale deed on 06.04.1968. While the petitioner was in peaceful possession and enjoyment of the scheduled land, the 2nd respondent initiated proceedings in L.T.R. Case No.68/95/KGM under the provisions of the A.P. Scheduled Areas Land Transfer Regulation 1/1959 as amended by Regulation 1/1970 showing the name of a dead person as the petitioner. When an order of ejectment was passed on 11.02.2005, the petitioner preferred an appeal before the 1st respondent in C.M.A.No.49 of 2005, wherein the contention of the learned Counsel for the petitioner was accepted with regard to passing of the proceedings in the name of a dead person, but, however, the matter was remanded to the primary authority by directing the Mandal Revenue Officer, Kothagudem Mandal, to bring the legal heirs of the deceased on record by order dated 28.07.2007. Challenging the same, the present writ petition was filed by the petitioner.

2. This Court by order dated 23.11.2007 granted interim stay of all further proceedings.

3. It is no doubt true that the original proceedings were taken in the name of a dead person, who was a non-tribal. The petitioner herein is also a non-tribal. This is a transaction between two non-tribals. No tribal interest appears to have been involved in the proceedings.

4. Since the writ petition is filed challenging the order of remand, this Court is not inclined to entertain the same, but gives liberty to the petitioner to participate in the proposed enquiry that may be conducted by

the 2nd respondent pursuant to the order of remand. It is needless to observe that in view of the interim stay granted by this Court by order dated 23.11.2007, the proceedings could not be taken up. In view of the disposal of the present writ petition, the 2nd respondent shall conduct the enquiry after giving due opportunity to the petitioner in accordance with law.

5. The Writ Petition is accordingly disposed of. No order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

A.RAMALINGESWARA RAO, J

04-03-2016
Gsn