

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.2101 of 2008

ORDER:

1. The petitioner is a non-tribal and permanent resident of Paloncha, Khammam District. He claims to be the owner and enjoyer of the land admeasuring an extent of Ac.1.30 guntas in Sy.No.24 situated at Rangapuram village of Paloncha Mandal, Khammam District. He claims that he purchased the said land under an agreement of sale dated 11.11.1969. He also states that he established a Stone Crusher in the land, but later on he sold out the same and presently doing agriculture for the last 20 years. While so, the 1st respondent took suo motu proceedings in L.T.R. Case No.390/90/PAL in respect of the said land, conducted enquiry and passed an order dated 20.09.1990 holding that the transfer took place prior to 03.02.1970 and hence the provisions of the A.P. Scheduled Areas Land Transfer Regulation 1/1959 read with Regulation 1/1970 are not applicable in this case. He accordingly dropped the further proceedings. However, surprisingly he issued a notice taking up the proceedings once again under L.T.R. Case No.376/2004/PVC showing the husband of the 3rd respondent, who is a dead person, and passed orders on 15.12.2007 contrary to the orders passed on 20.09.1990 in L.T.R. Case No.393/90/PAL, ordering ejectment from the scheduled land. The petitioner states that he appeared before the 1st respondent and filed his objection bringing to his notice the order passed by him earlier on 20.09.1990. The 1st respondent did not give any finding with regard to the earlier order, but passed the orders on 15.12.2007. Challenging the same, the present writ petition was filed by the petitioner.

2. This Court by order dated 07.02.2008 granted interim suspension of the impugned order dated 15.12.2007 passed in L.T.R. Case No.376/2004/PVC. The said order has been in operation till today.

3. Learned Counsel for the petitioner submits that the order passed on 15.12.2007 is void as it is contrary to the earlier order passed on 20.09.1990.

4. Though there is some force in the contention raised by the learned Counsel for the petitioner, this Court is not inclined to go into that aspect of the matter in view of the availability of an alternative remedy of appeal against the impugned order.

5. In the circumstances, the Writ Petition is disposed of giving liberty to the petitioner to file an appeal against the impugned order dated 15.12.2007 to the competent authority within a period of three months from the date of receipt of a copy of this order. Till such time, the interim suspension granted by this Court on 07.02.2008 shall continue in operation. If the petitioner fails to file an appeal within the stipulated time, the impugned order shall come into effect. No order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

A.RAMALINGESWARA RAO, J

04-03-2016

Gsn