

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

W.P.No.695 of 2009

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, for the following relief:

“To issue writ or direction preferably writ of Mandamus, declaring the order of the 1st respondent dated 05-12-2008 issued in Lr.No. 9086/LTR-2/2008-2 rejecting the stay pending revision as illegal arbitrary, and violative of principles of natural justice and consequently direct the respondents not to dispossess the petitioner from the subject land measuring Acs. 13-25 cents in S.No. 86/1 situated at Purushothapatnam Village, Bhadrachalam Mandal of Khammam District, pending disposal of the Revision Petition, which is pending on the file of the 1st respondent.”

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

3. The Agency Divisional Officer, Bhadrachalam, pressed into service the provisions of the Land Transfer Regulations and passed an order dated 12.04.2007 in LTR Case.No.9/BCM/2006 ordering ejection of the petitioner from the subject lands. Aggrieved by the said order of ejectment, the petitioner herein filed appeal before the second respondent/Additional Agent to the Government. The second respondent/Additional Agent to the Government by way of an order dated 21.06.2008 dismissed CMA.No.218 of 2007. As against the said orders passed by the primary and appellate authorities, petitioner herein filed revision along with the stay application before the State Government under Section 6 of the Regulations. The state Government by virtue of letter bearing No.Lr.No.9086/LTR-2/2008-2, dated 05.12.2008, rejected the stay application of the petitioner, pending revision. The said order passed by the first respondent rejecting the stay application is under challenge in the present writ petition.

4 This Court while ordering *Rule Nisi* on 21.01.2009 granted interim

stay as prayed for.

5. According to the learned counsel for the petitioner, the order impugned passed by the first respondent is highly illegal, arbitrary and opposed to the very spirit and object of the provisions of the Land Transfer Regulations. It is also the submission of the learned counsel for the petitioner that the first respondent grossly erred in rejecting the stay application without assigning any reasons.

6. On the contrary, reiterating the contents in the counter affidavit, it is submitted by the learned Government Pleader that there is no illegality nor there exists any infirmity in the impugned action and the first respondent is perfectly justified in rejecting the stay application as the petitioner herein failed to show any *prima facie* case in his favour.

7. This Court, as long back as on 21.09.2009 admitted the writ petition and granted interim stay of dispossession of the petitioner from the subject lands and the said order is subsisting till date. It is also brought to the notice of this Court by the learned counsel for the petitioner that the revision filed by the petitioner is still pending before the first respondent state Government.

8. Having regard to the nature of controversy and taking into account the submissions of the learned counsel for the petitioner and the learned Government Pleader, this Court is of the considered opinion that the ends of justice would be served if the first respondent State Government is directed to pass appropriate orders on the revision filed by the petitioner by fixing some time frame and by continuing the interim order till the disposal of the said appeal.

9. For the foresaid reasons, writ petition is disposed of, directing the first respondent State Government to pass appropriate orders on the revision filed by the petitioner under the A.P. Scheduled Areas Land Transfer Regulations against the orders of the Additional Agent to Government dated 21.06.2008 in CMA.No.218 of 2007 in respect of the land admeasuring Acs.13-25 cents in S.No.86/1 situated at Purushothapatnam

Village, Bhadrachalam Mandal of Khammam District as expeditiously as possible. Till such exercise attains finality, interim stay granted on 21.09.2009 shall continue to operate. As a sequel, miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V. SESA SAI, J

Date:11.7.2016

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

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W.P.No.695 of 2009

Dated 11th July, 2016

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