

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 19541 and 19542 of 2007

Common Order:

These two Writ Petitions are being disposed of by this common order as the petitioner is common in both the cases.

2. The petitioner in both the Writ Petitions claims to be the owner and possessor of agricultural lands admeasuring Ac.2-04 gts., in Survey No.122/5 and Ac.2-26 gts., in Survey No.122/1, situated at Chunchupalli village, Kothagudem Mandal, Khammam District, respectively. He claims to have purchased the said lands from the second respondent against whom proceedings were initiated by the Special Deputy Collector in the name of one Maloth Laxma who is no more. It is the case of the petitioner that on earlier occasion proceedings were initiated against the second respondent in Case Nos.138/91/KGM and 870/88/KGM respectively in respect of the said lands, wherein it was held that the provisions of Regulation 1/70 could not be applicable to the lands possessed by the second respondent, by orders dated 28.09.1992 and 28.06.1988 respectively. The petitioner says that in view of the said orders, the present proceedings are not maintainable. He also submits that since he belongs to Scheduled Tribe community no proceedings can be taken against a person who is in possession of the lands and who belongs to Scheduled Tribe community.

3. The legal representatives of Maloth Laxma filed separate applications seeking impleadment in the present Writ Petitions and challenged the averments made in the Writ Petitions.

4. In view of the pendency of the proceedings before the first respondent, this Court is not inclined to decide the merits of the case one way or the other. The proposed parties are claiming to be the legal representatives of the deceased Maloth Laxma, whereas the

present petitioner, who belongs to Scheduled Tribe community, says that he purchased the lands from the second respondent and he is in possession of the property, but he was not made as party to the proceedings.

5. In the circumstances, both the Writ Petitions are disposed of giving liberty to the petitioner to file appropriate application before the first respondent for impleading himself as party to the proceedings and the same opportunity is given to the proposed parties in the present Writ Petitions who claimed to be the legal representatives of the deceased Maloth Laxma to come on record as petitioners. The first respondent shall decide the case after hearing both the parties and based on the record to be produced by the petitioner herein. However, in the circumstances, no costs.

6. As a sequel thereto, the miscellaneous petitions, if any, pending in these Writ Petitions shall stand closed.

A.
Date: 16.02.2016
Nsr

RAMALINGESWARA RAO, J.