

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.2197 of 2008

ORDER:

1. The petitioner claims to be in possession and enjoyment of the land admeasuring an extent of Ac.1.09 guntas in Sy.No.60 and Ac.0.14 guntas in Sy.No.62 situated at Lachapuram village of Dammamet Mandal, Khammam District. It is the case of the petitioner that his father and brother purchased the said land from one Abdul Rajjabee initially and later on entered into an agreement of sale on 20.07.1963. While the petitioner was in peaceful possession and enjoyment of the scheduled land, the 2nd respondent initiated proceedings in L.T.R. Case No.819/2000/DPT 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 10.01.2005, the petitioner preferred an appeal before the 1st respondent in C.M.A.No.34 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 Tahsildar, Dammamet 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 07.02.2008 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 07.02.2008, 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