

HON'BLE SRI JUSTICE S.V.BHATT

W.P. No.25821 OF 2007

ORDER:

Heard Mr.Prakash Chakravarthy for petitioners and Mr Mahender Reddy for 3rd respondent.

The issue arises under A.P. Scheduled Areas Land Transfer Regulation, 1959 amended by Regulation 1 of 1970 (for short, the Regulation)

The petitioners challenge ejectment decree issued in Form-F under Rule 8(4) in Case No.TW B2/633/2005 dated 17.09.2007 as completely illegal and contrary to the mandatory provisions of enquiry stipulated under the Regulation. In other words, the petitioners complain that the 1st respondent has directly issued ejectment decree and there is no order either passed or communicated to petitioners declaring that possession or transfer in favour of petitioners is illegal and contrary to the Regulation.

Mr.Mahender Reddy submits that the possession of petitioners contravenes the Regulation. The 3rd respondent filed complaint before the 1st respondent for appropriate orders, however, the 1st respondent straightaway has issued ejectment decree. He further admits issuing ejectment decree straightaway is unsustainable. No representation for respondents 1 and 2.

Having regard to the above submissions, I am satisfied that the writ petition can be ordered as follows:

The ejectment decree No.TW B2/633/2005 dated 17.09.2007 is set aside, matter remitted to 1st respondent for disposal in

accordance with the Regulation and the Rules made in this behalf, within three months from the date of receipt of a copy of this order. The 1st respondent, to avoid further procedural omission, is directed to issue notice in pending case No.TW B2/633/2005 by registered post with acknowledgement due to petitioners. The petitioners if wish to file reply or additional reply, they are given liberty to do the same within six weeks from today.

The writ petition is ordered as indicated above. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

Date:09.03.2017
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S.V.BHATT,J