

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.3363 of 2009

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed seeking to declare the action of the respondents 1 to 4 in assigning the land to an extent of Ac.1.67 cents in Sy.No.4/ 3 of Venkatanagaram Village, Addategala Mandal, East Godavari District inspite of pendency of the revision before the 6th respondent against order of the 1st respondent in CMA No.8/ 2008, dated 30.10.2008, as illegal and arbitrary.

Originally the 1st petitioner filed the writ petition. After his death, the petitioners 2 and 3 came on record, as legal representatives of the 1st petitioner. The case of the petitioners is that the 1st petitioner is the absolute owner and possessor of the land in question and he purchased the same in the year 1967 and since then, he was in peaceful possession and enjoyment of the same. While so, the respondents 4 and 5 filed LTRP No.32/ 2007 against the 1st petitioner and the same was allowed and the 2nd respondent vide order, dated 10.03.2008, ordered ejectment of the 1st petitioner from the subject land and restoration of the same in favour of the 5th respondent. Against the said order, the 1st petitioner filed an appeal before the 1st respondent in CMA No.8/ 2008. During pendency of the appeal, status quo as on that date was ordered with regard to the possession of the land. The appeal was partly allowed by the 1st respondent and the restoration of land was ordered to the Government for onward assignment to the eligible tribals. Against the said order, the 1st petitioner preferred a revision before the Government.

The grievance of the petitioners is that though the revision is pending before the 1st respondent, the respondents 3 and 4 came to the subject land and surveyed the land in order to assign the same to the tribals. Hence, this writ petition.

Considering the circumstances of the case and the grievance of the petitioners, this Court is inclined to pass the following order:

The official respondents are directed not to dispossess the petitioners from the land in question and not to allot the same to the third parties, till the revision filed by the petitioners is disposed of by the authorities concerned.

With the above directions, the Writ Petition is disposed of. No order as to costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

August 08, 2017

KTL

RAJA ELANGO, J

