

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

Writ Petition No. 14757 of 2017

Order:

Heard learned counsel for the petitioners and learned Government Pleader for the respondents 1 to 5. In view of pendency of the revision petition before the first respondent, the notice to the sixth respondent is dispensed with.

The petitioners claim that they are the absolute owners, possessors and enjoyers of agricultural land in an extent of Ac.2.33 gts., in Survey No.1288 of Nagupalli Revenue village, Dhammapeta Mandal, Khammam district. Their case is that the provisions of the Andhra Pradesh Scheduled Areas Land Transfer Regulation 1 of 1959 are not applicable to them. However, when the father of the sixth respondent filed LTR Case No.1117 of 1974 against the maternal grandfather of the petitioners before the Special Deputy Collector, Paloncha claiming an extent of Ac.1.17 gts., situated in Survey No.1289 and Ac.3.20 gts., in Survey No.1304 of Nagupally revenue village, Dhammapeta Mandal, Khammam district, the said case was dismissed on 12.02.1975. The sixth respondent herein filed another case against the maternal grandfather of the petitioners in respect of the lands situated in Survey No.1288 before the fourth respondent and the fourth respondent allowed the case on 28.09.2007 by giving further direction to the fifth respondent to take possession of the land. Challenging the same, the father of the petitioners filed an appeal before the second respondent. The said appeal was transferred to the third respondent and was renumbered as CMA No.326 of 2007. In the meanwhile, the father of the petitioners expired and the petitioners came on record. When the said appeal was also dismissed on 02.05.2007, a revision was preferred before the first respondent on 03.12.2016. The application for stay of pending revision was

dismissed by an order dated 25.01.2017, challenging which the present Writ Petition is filed.

The application for stay was rejected by merely stating that there are no sufficient grounds, without indicating the reasons for dismissal of the stay application pending revision. Since a statutory revision is pending before the first respondent, this Court is inclined to grant stay of eviction of the petitioners from the land of an extent of Ac.2.33 gts., in Survey No.1288 of Nagupalli Revenue village, Dammapeta Mandal, Khammam district, pending disposal of the revision before the first respondent. The first respondent is directed to dispose of the revision as expeditiously as possible, but not later than six (6) months from the date of receipt of a copy of this order by giving due notice to the petitioner and the sixth respondent. It is needless to observe that the petitioners shall cooperate for disposal of the revision before the first respondent.

The Writ Petition is, accordingly, disposed of. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions pending in this Writ Petition, if any, shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 24.04.2017
Nsr