

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 11263 of 2017

ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for Social Welfare.

Petitioner No.1 states that she is the absolute owner and possessor of the agricultural land admeasuring Acs.50.00 in Survey Nos.303/2/103 and 303/2/108, situated at Sampathnagar Village, Hamlet of Gangaram Village, Tekulapalli Mandal, Bhadradi Kothagudem District having purchased the same in the year 1950 from the original owner and got the purchase validated and obtained a Certificate under Section 50 (B) of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950. She further states that her purchase was not hit by the provisions of the Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959 as amended by Regulation 1 of 1970. She also states that herself and her husband, petitioner No.2, have partitioned the said property and filed a declaration before the Land Reforms Tribunal, Kothagudem. The Tribunal passed an order holding that the land held by the petitioners is within the ceiling limits. However, on the basis of the complaint filed by respondent No.5, respondent No.3 initiated proceedings under the provisions of the Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959 and an order of ejectment was passed against the petitioners on 14.03.2017. The petitioners

preferred an appeal before respondent No.2, and apprehending eviction before passing orders by respondent No. 2, the present writ petition is filed.

The petitioners stated that they filed appeal together with application for stay, but respondent No.2 has not passed any orders so far.

Learned Government Pleader obtained instructions and submitted that the appeal is under process of admission.

Since the order of eviction was passed on 14.03.2017 and an appeal was already filed on 20.03.2017, this Court feels it just and proper to grant stay of eviction pursuant to the order passed by respondent No.3 on 14.03.2017, pending disposal of the appeal before respondent No.2. Respondent No.2 is directed to hear the appeal and pass appropriate orders after hearing respondent No.5, within a period of six months from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO,J

Dt:10.04.2017
kdl

