

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.556 of 2017

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking to declare the action of the 2nd respondent in not adjudicating the C.M.A.No.54 of 2015, as illegal and arbitrary and consequently direct the 2nd respondent to adjudicate C.M.A.No.54 of 2015, on the file of the 2nd respondent by giving reasonable opportunity to the petitioners.

Heard and perused the material available on record.

The case of the petitioners is that the petitioners are the absolute owners and possessors of the land admeasuring to an extent of Ac. 0.05 ¼ guntas in Survey No.698, out of total extent of Ac. 7.21 guntas, situated at Tekulapally Village and Mandal, Khammam District. The 4th respondent has filed a representation on 05.11.2014 before the 2nd respondent stating that the petitioners have encroached Ac. 7.21 guntas of tribal agency area of land in Survey No.698 at Tekulapally Village and Mandal, belonging to the tribal by name Joga Dhammaiah and taking up illegal constructions in the said land by running real estate business and that on 05.11.2014 itself, the 4th respondent filed representation before the A.P. State Commission for SCs and STs and the State Commission forwarded the same to the Revenue Divisional Officer, Kothagudem (3rd respondent) for enquiry and the 3rd respondent has entertained the application and treated as complaint and the same was numbered as LTR Case No.1/2014/TKP and that the primary authority issued summons to the petitioners and the petitioners filed their defence before the 3rd respondent, but the 3rd respondent allowed the said complaint, dated 05.11.2014, vide order, dated 24.08.2005.

The grievance of the petitioners is that aggrieved by the said order, dated 24.08.2015, the petitioners preferred an appeal before the 2nd respondent on 01.09.2015 and that the said appeal was numbered as C.M.A.No.54 of 2015 and that the petitioners have also filed stay petition, but the 2nd respondent neither passed any orders in the stay petition nor disposed of the appeal.

Considering the said facts and circumstances, the 2nd respondent is directed to dispose of C.M.A.No.54 of 2015, filed by the petitioners on 01.09.2015, after giving due opportunity of hearing to both the parties, as expeditiously as possible, in accordance with law, more preferably within a period of three (3) months from the date of receipt of a copy of this order. Till then, respondents 4 & 5 are directed not to interfere with the possession of the petitioners' subject land.

Accordingly, the Writ Petition is disposed of. No costs. Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO,J

Date: 6th January, 2017

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