

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.17826 of 2008

ORDER:

This Writ Petition is filed by the petitioner under Article 226 of the Constitution of India seeking to declare and set aside the Ejectment Decree and order, dated 10.10.2007, in Case No.TW A1/382/2006, on the file of the first respondent herein, as illegal, arbitrary and against the principles of natural justice and contrary to Section 3(2)(a) of the A.P. Scheduled Areas (Land Transfer) Regulations, 1959 and Section 7(1) of the A.P. Scheduled Areas Land Transfer Rules, 1969.

2. Heard the learned counsel for both the parties and perused the material available on record.

3. The case of the petitioner is that the land in question was purchased by the petitioner's father in the year 1960 and that on 09.08.2008, when the petitioner visited the office of the 2nd respondent for paying land revenue, the petitioner came to know that the 1st respondent passed an Ejectment Decree and order, dated 10.10.2017, against the petitioner. Aggrieved by the same, the present writ petition is filed.

4. On 18.08.2008, this Court, while admitting the writ petition, passed an interim order in W.P.M.P.No.23193 of 2008, dated 18.08.2008, which reads as follows:

“Learned counsel appearing for the petitioner submits that the 1st respondent passed ejectment order, without issuing notice as provided in Form ‘E’ appended to A.P. Scheduled Areas Land Transfer Rules, 1969.

In that view of the matter, there shall be status quo existing as on this day with regard to the possession of the land in dispute for a period of three weeks.

Post after two weeks.

Petitioner is directed to take out notice to the third respondent by registered post acknowledgement due and file proof thereof.”

5. Taking into consideration the facts and circumstances of the case and the grievance of the petitioner and in view of the interim order passed by this Court in W.P.M.P.No.23193 of 2008 in this writ petition, dated 18.08.2008, this Court is of the view that the order under challenge, dated 10.10.2007, is liable to be set aside.

6. Accordingly, the Writ Petition is allowed by setting aside the order, dated 10.10.2007, passed by the 1st respondent against the petitioner. Respondents 1 & 2 are at liberty to take appropriate action after issuing notice as provided in Form ‘E’ appended to the A.P. Scheduled Areas Land Transfer Rules, 1969, to the petitioner and also after giving an opportunity to the petitioner to make his submissions before the respondents. There shall be no order as to costs. Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed.

RAJA ELANGO, J

Date: 3rd August, 2017

KL

182**THE HONOURABLE SRI JUSTICE RAJA ELANGO****WRIT PETITION No.17826 of 2008**Date: 3rd August, 2017

KL