

THE HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.3753 OF 2007

ORDER:

Heard Si P.R.K.Amarendra Kumar for petitioner and Assistant Government Pleader for Tribal Welfare (AP).

The subject matter of the writ petition reads thus:

R.S.No.		Extent Ac. Cts
1.	283	8-50
2.	285	1-51
3.	283	3-98

The petitioner prays for Mandamus declaring the order dated 28.12.2006 in S.R.No.50 of 2006, as illegal, unconstitutional and inapplicable insofar as the petitioner is concerned.

Briefly stated, the petitioner alleges that the Special Deputy Collector (Tribal Welfare) had taken up enquiry under Section 3(2) of the A.P.SA.LT Regulation 1/59 against petitioner herein in S.R.No.117/97 for the following extents:

R.S.No.	Extent	Name (1933 R.S.R)
283	8.50	Addagarala Darmaiah
287	2.10½	Gurrala Ramaiah
285	1.51½	Gurrala Saravaiah
286	4.62½	Gurrala Saravaiah
288	4.32	Pydimala Venkadu
281	1.74	Repaka Garavaiah
283	3.98	Addgarala Darmaiah

On 16.12.1997, the Special Deputy Collector held that the possession of petitioner of the survey numbers referred to above does not contravene the provisions of the A.P.S.A.LT Regulation 1/59 as amended by Regulation 1/70 and accordingly dismissed the claim filed by Special Deputy Tahsildar, Tribal Welfare, K.R.Puram. According to petitioner, no appeal was filed against the order dated 16.12.1997. While matters stood thus, the respondents in purported execution of ejectment order passed in S.R.No.50/2006 dated 28.12.2006 are trying to dispossess the petitioner from the subject matter referred to above. Hence, the writ petition.

The petitioner contends that the order of Special Deputy Tahsildar in S.R.No.117/97 has firstly become final and secondly the petitioner is not arrayed as one for the parties to S.R.No.50/2006, still by reference to the ejectment order passed on 28.12.2006, the possession of petitioner is sought to be disturbed.

On 27.02.2007, this Court granted stay of all further proceedings, including eviction of petitioner from the subject matter of the writ petition. The order is subsisting as on date.

Both the respondents in spite of receipt of notice have not filed counter affidavit or at least sent instructions to the office of learned Government Pleader (Tribal Welfare).

I am satisfied that in view of the annexures viz., orders in S.R.No.117/97 dated 16.11.1997 and S.R.No.50 of 2006 dated 28.12.2006, the writ petition can be disposed of by this order:

- (a) the respondents are directed not to dispossess the petitioner from the subject matter of the writ petition by reference to the ejectment order in SR.No.50/2006 dated 28.12.2006 and;
- (b) if the respondents are of the view that possession of petitioner for any reason is in contravention of regulations, the respondents are under obligation to issue notice to petitioner, afford opportunity, pass orders and then dispossess the petitioner in accordance with law.

The writ petition is, accordingly, disposed of. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any pending, stand closed.

07th March, 2017

Lrkm



S.V.BHATT, J