

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.46900 of 2016

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking to call for the records relating to and in connection with the order passed by the Agency Divisional Officer, Kothagudem, in his LTR Case No.24/2016/BUM, dated 07.10.2016, and to set aside the same, as illegal and arbitrary and consequently to direct the respondent authorities to refrain from in any way interfering with the possession and enjoyment of the land to an extent of Ac. 2.30 guntas in Survey Nos.37/e and 38/a of Kothapeta Village of Bayyaram Mandal, presently in Bhadrachalam Kothagudem District, in the guise of implementation of the impugned order after declaring that Kothapeta Village of Bayyaram Mandal, is not covered by schedule area as notified by the President of India in Schedule Areas (Part-B States) Order, 1950, dated 07.12.1950.

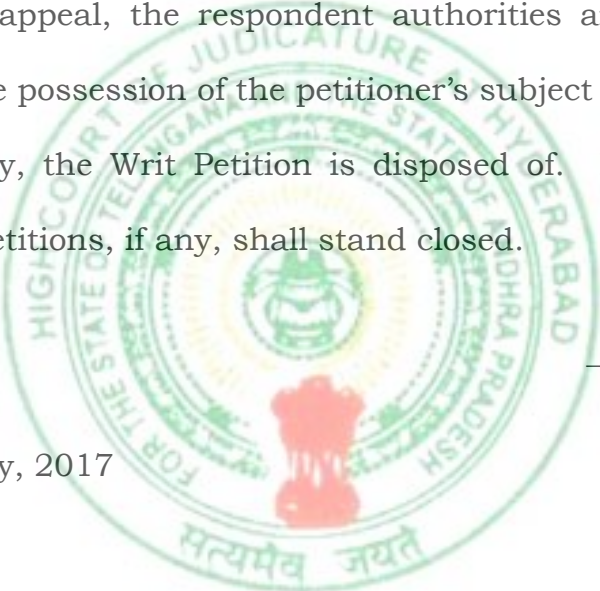
Heard and perused the material available on record.

The case of the petitioner is that the petitioner is the absolute owner and possessor of the land admeasuring to an extent of Ac. 2.30 guntas (Ac. 1.10 guntas + Ac. 1.20 guntas) in Survey Nos.37/e and 38/a of Kothapeta Village of Bayyaram Mandal. The petitioner received show cause notice in Form-E from the 3rd respondent in LTR Case No.24/2016/BYM as to why the petitioner should not be ejected from the land in question. It is mentioned in the said impugned order that appeal lies to the Additional Agent to the Government i.e., Project Officer, ITDA, Bhadrachalam (4th respondent) within a period of 60 days from the date of receipt of a copy of the impugned order.

The main grievance of the petitioner is that the authenticated copy of the impugned order is not served on the petitioner so far and that even without serving a certified copy of the impugned order to the petitioner and even without affording an opportunity to the petitioner for filing an appeal, the respondent authorities are trying to evict the petitioner from the subject property.

Considering the said facts and circumstances, the petitioner is directed to file an appeal before the 4th respondent on or before 31.01.2017 and the 4th respondent is directed to dispose of the said appeal preferred by the petitioner, in accordance with law. Till such disposal of the appeal, the respondent authorities are directed not to interfere with the possession of the petitioner's subject property.

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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