

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.9112 of 2009

ORDER:

This Writ Petition is filed by the petitioner under Article 226 of the Constitution of India seeking to declare the action of the respondents in trying to assign the lands of the petitioner to an extent of Ac. 13.27 guntas in Survey No.29/A, situated at Burhanpur Village, Bela Mandal, Adilabad District, to third parties by dispossessing the petitioner from her lands under the guise of the orders passed by the 3rd respondent in Case No.TW/A2/779/1996, dated 12.05.1998, and confirmed by the 2nd respondent in Case No.A4/LTR/04/2000, dated 26.12.2008, even though the statutory revision filed by the petitioner before the 1st respondent is pending, as illegal, arbitrary unjust violation of principles of natural justice opposed to equity and fair play and consequently direct the respondents not to assign the lands of the petitioner to third parties by dispossessing the petitioner from the land, pending disposal of the statutory revision preferred before the 1st respondent.

2. Heard and perused the material available on record.

3. The case of the petitioner is that the petitioner is the original pattedar, owner and possessor of the land to an extent of Ac. 13.27 guntas in Survey No.29/A, situated at Burhanpur Village, Bela Mandal, Adilabad District. While so, the 3rd respondent, without issuing any notice to the petitioner and without conducting any enquiry passed the orders ejecting the petitioner from the lands alleging the contraventions of the

provisions of the A.P. Scheduled Area Land Transfer Regulations Act, 1959, amended Act 1/1970. Aggrieved by the same, the petitioner has filed statutory appeal before the 2nd respondent and the 2nd respondent also, without considering the same, dismissed the appeal. Aggrieved by the same, the petitioner has preferred the statutory revision before the 1st respondent on 17.04.2009 along with the stay application, but so far, the 1st respondent has not passed any orders on the stay application nor on the revision petition. The main grievance of the petitioner is that though revision is pending before the 1st respondent, under the guise of the orders passed by respondents 2 & 3, the revenue officials are trying to assign the lands to third parties by dispossessing the petitioner from the subject lands.

4. While admitting the writ petition, this Court granted interim direction to respondents 2 to 4 not to assign the subject lands of the petitioner to third parties by dispossessing the petitioner from the subject lands, *vide* order, dated 29.04.2009, passed in W.P.M.P.No.11931 of 2009.

5. Admittedly, the petitioner has already filed a statutory revision before the 1st respondent on 17.04.2009. Hence, this Court is of the view that the writ petition can be disposed of with the following direction:

The authority concerned is directed to dispose of the revision said to have been filed by the petitioner on 17.04.2009, as expeditiously as possible, in accordance with law and till the disposal of the revision, *status quo* shall be maintained with regard to the subject land.

6. With the above direction, the Writ Petition is, accordingly, disposed of. No costs. Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO, J

Date: 29th August, 2017

Note: In view of the bifurcation of the States after filing of this writ petition, Registry is directed to issue copies of the order, by changing the name of the 1st respondent as “The Government of Telangana”.

(B/o.)
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256**THE HONOURABLE SRI JUSTICE RAJA ELANGO****WRIT PETITION No.9112 of 2009**Date: 29th August, 2017

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