

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.9545 of 2009

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner for the following relief:

“To declare the action of the 1st respondent in not passing appropriate orders either on the stay petition or on the revision itself filed on 25-4-2009 against the order of 2nd respondent dated 21-2-2009 in CMA No. 265/ 2005 as illegal, arbitrary, and consequently, direct the 1st respondent to consider and dispose of the stay petition or the revision itself within a reasonable time and further direct the respondents or their subordinate staff not to dispossess the petitioner from land in Sy.Nos.263/ A measuring an extents of Ac.1-05 gts., Sy.Nos.266 measuring an extents of Ac.1-08 gts Sy.No.267/ E measuring an extents of Ac.0-22 gts, total measuring Acs.2-35 gts., situated at Dharmapuram Village, Bayyaram Mandal of Khammam District, pending disposal of the revision on the file of the 1st respondent.”

Heard and perused the material available on record.

The case of the petitioner is that she succeeded the subject property from her brothers through a gift deed dated 24.03.1968 and since then, she is in continuous possession and enjoyment of the same. The said land is the part of scheduled areas of Telangana Area of State of A.P., and that the father of the petitioner purchased the said land prior to amendment of the A.P. Scheduled Areas land Transfer Regulation Act. While so, the 3rd respondent passed eviction order, dated 30.07.2005, against the petitioner at the instance of the 4th respondent, without appreciating the contents of the petitioner. Challenging the eviction order of the 3rd respondent, the petitioner preferred an appeal before the 2nd respondent vide CMA No.265/ 2005 and the said appeal was dismissed by the 3rd respondent confirming the eviction order passed by the 3rd respondent. Aggrieved by the said order, the petitioner preferred statutory revision before the 1st respondent on 25.04.2009 along with a petition for stay of dispossession of the petitioner from the subject land, 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 4th respondent is taking steps to evict the petitioner from the schedule property and if the same is done, the petitioner would be put to great loss.

The 2nd respondent filed counter affidavit denying the material allegations made in the affidavit of the petitioner and prayed to dismiss the writ petition.

On 30.04.2009, while admitting the writ petition, this Court granted interim stay of dispossession of the petitioner from the scheduled lands. Admittedly, the petitioner has already filed a statutory revision before the 1st respondent on 25.04.2009. 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 25.04.2009, as expeditiously as possible, in accordance with law and till the disposal of the revision, the respondents are directed not take any coercive steps in respect of the subject lands.

With the above directions, the Writ Petition is disposed of. No order as to costs. Miscellaneous Petitions, pending if any, shall stand closed. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

August 30, 2017

Note:

In view of bifurcation of States after filing of the 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.
KTL