

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.19524 of 2010

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 seeking to dispossess the petitioner from the land in Survey No.34/3P, to an extent of Ac. 5.70 cents, at Dummagudem Village and Mandal, Khammam District, without any notice or following due process of law, as illegal and arbitrary and violative of principles of Natural Justice and Articles 14, 21 and 300-A of the Constitution of India and A.P. Scheduled Areas Land Transfer Regulation, 1959, as amended by Regulation 1/1970 and consequently direct the respondents not to interfere with possession of the petitioner.

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 petitioner, who belongs to the Scheduled Caste and residing in agency area, was given land as Pasupu Kumkuma by her relatives and she is raising crops in the subject land every year and the petitioner is paying land revenue to the Government and the Tahsildar, Dummugudem, recorded the name of the petitioner in the revenue records and that the petitioner is also taking loans from the banks under the agricultural loan schemes. While so, in the year 2010, the respondent officials came to the schedule property asking the petitioner to vacate the land within one or two days and when the petitioner asked the reasons for eviction, the respondents informed

that the Settlement Officer rejected the settlement patta. Immediately, the petitioner filed an appeal before the 1st respondent under Regulation 2 of 70 of Agency Laws and the same is pending before the 1st respondent.

4. The main grievance of the petitioner is that even though the appeal filed by the petitioner is pending before the 1st respondent, the official respondents are taking steps to evict the petitioner from the subject land without any notice or calling for explanation.

5. After arguing for some time, learned counsel for the petitioner confined his argument with a prayer to direct the appellate authority, i.e., the Director of Settlements, Andhra Pradesh (Project Officer), Integrated Tribal Development Agency, at Bhadrachalam, to dispose of the appeal filed by the petitioner, dated 26.03.2010, as expeditiously as possible.

6. Considering the said submission, this Court is of the view that when an appeal is pending before the appellate authority, the respondents should not interfere with the peaceful possession and enjoyment of the petitioner.

7. Accordingly, the Writ Petition is disposed of directing the appellate authority, i.e., the Director of Settlements, Andhra Pradesh (Project Officer), Integrated Tribal Development Agency, at Bhadrachalam, to dispose of the appeal filed by the petitioner, dated 26.03.2010, as expeditiously as possible, in accordance with law. Till the disposal of the appeal, the respondents are directed not to interfere with the peaceful possession and enjoyment of the

petitioner. 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



229**THE HONOURABLE SRI JUSTICE RAJA ELANGO****WRIT PETITION No.19524 of 2010**Date: 3rd August, 2017

KL