

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.9735 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 dispossessing the petitioner from her lands to extent Ac.1.04 cents in Survey No.102/1, situated at Pedabhimpalli Village, Devipatnam Mandal, East Godavari District, in pursuance of the order passed by the 1st respondent in C.M.A.No.24/2008, dated 13.04.2009, as illegal, arbitrary and unjust and consequently direct the respondents not to dispossess the petitioner from the above mentioned land, pending disposal of the revision filed before the 5th respondent in the interest of justice and to pass.

2. Heard and perused the material available on record.

3. The case of the petitioner is that the petitioner is the owner and possessor of land to an extent of Ac. 1.04 cents, situated in Survey No.102/1 of Pedabheempalli Village, Devipatnam Mandal, East Godavari District. While so, the 4th respondent filed a complaint in ADO LTRP No.58 of 2007 before the 2nd respondent under Section 3(1) of the A.P. Scheduled Areas Land Transfer Regulations, 1959, as amended by Regulations 1/70 for restoration of the above mentioned land, wherein the 2nd respondent has passed an order of eviction directing eviction from the above said land, *vide* order, dated 28.01.2008. Aggrieved by the same, the petitioner filed an appeal before the 1st respondent in C.M.A.No.24 of 2008, wherein the 1st respondent uphold the order passed by the 2nd respondent in ADO LTR No.58 of 2007 and consequently

directed the 3rd respondent to evict and restore the same to the Government, *vide* order, dated 13.04.2009. Aggrieved by the same, the petitioner filed revision before the 5th respondent on 29.04.2009 along with the stay application, but so far, the 5th 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 5th respondent, the respondents are taking steps to evict the petitioner in pursuance of the order passed by the 1st respondent in C.M.A.No.24 of 2008.

4. While admitting the writ petition, this Court granted interim direction to the respondents not to dispossess the petitioner from the subject land, *vide* order, dated 01.05.2009, passed in W.P.M.P.No.12664 of 2009.

5. Admittedly, the petitioner has already filed a statutory revision before the 5th respondent on 29.04.2009. 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 29.04.2009, 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
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