

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.39532 of 2016

ORDER

This writ petition is filed for the following relief:

“to issue an appropriate writ, direction or order, more particularly one in the nature of Writ of Mandamus, declaring that the petitioners are entitled to suspension of the order in S.R.A. No.01/2006/F2, dated 18.6.2016, on the file of the 2nd respondent, which is challenged by the petitioners, by way of revision dated 26.09.2016 before the respondent No.1 and it is further consequentially prayed that this Hon'ble Court may be pleased to suspend the said order in S.R.A.No.01/2006/F2 pending the said Statutory Revision and to pass such other further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

The brief facts of the case are that the Special Deputy Tahsildar, Tribal Welfare, K.R.Puram filed a complaint before the Special Deputy Collector, Tribal Welfare, K.R.Puram, stating that the father of the petitioners viz., Gunnam Krishna Rao, who is a non-tribal, was in possession and enjoyment of certain extent of land. The Special Deputy Collector *vide* an order dated 5.3.1993 in S.R.No.216 of 1992 disallowed the claim of the Special Deputy Tahsildar. The petitioners claim that they inherited the land in question from their father, who purchased the same on 11.10.1969 from non-tribals. Thereafter, the Special Deputy Tahsildar, Tribal Welfare, Polavaram, and the 5th respondent filed another complaint before the 3rd respondent, who, in turn, *vide* S.R.No.3 of 2004 passed ejectment order on 30.11.2005 directing the Mandal Revenue Officer, Jeelugumilli to take possession of an extent of Ac.15.90 cents in R.S.Nos.93/2, 94/2 & 94/4 of Barrinkalapadu

Village, Jeelugumilli Mandal, West Godavari District, and distribute the same to the eligible tribals. Aggrieved by the same, the petitioners filed S.R.A.No.1/2006/F2 before the 2nd respondent and the same was dismissed on 18.6.2016. Challenging the said order, the petitioners filed statutory revision before the 1st respondent along with an application seeking suspension of the order dated 18.6.2016. But, so far, no orders have been passed by the 1st respondent. Hence, the writ petition.

In view of pendency of the statutory revision before the 1st respondent, this Writ Petition is disposed of directing the 1st respondent to dispose of the revision by giving due opportunity to the petitioners as well as the 5th respondent within a period of three months from the date of receipt of a copy of this order.

Learned counsel appearing for the 5th respondent submits that the 5th respondent is in possession of the land whereas the petitioners assert that they are in possession of the land.

In the circumstances, *status quo* prevailing as on today shall be maintained by both the parties till the disposal of the statutory revision by the 1st respondent.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

3^d March, 2017
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