

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.35949 of 2017

ORDER:

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

“To issue a Writ, Order or Direction, more particularly a Writ in the nature of Mandamus declaring the action of the respondents in trying to assign the lands of the petitioner to an extent of Ac.2.30 gts. in Sy.No.55/B, situated at Saknapur village, Talamadugu Mandal, Adilabad District to third parties under the guise of the ejectment order passed by the 3rd respondent in case No.TWA2/709/92, dated 21-9-2012 and the confirmation orders passed by the 2nd respondent in LTR. App, No.A4/LTR/88/2013, dated 26.9.2014 even though the statutory revision filed by the petitioner is pending before the 1st respondent as illegal, arbitrary, abuse of process of law and violation of principles of natural justice and consequently direct the respondents 1 to 4 not to assign the lands of the petitioner to an extent of Ac.2.30 gts. in Sy.No.55/B, situated at Saknapur village, Talamadugu Mandal, Adilabad District to third parties till the disposal of the revision filed by the petitioner before the 1st respondent in the interest of justice.”

2. Heard the learned counsel for the petitioner and the learned Government Pleader for the State of Telangana for the respondents.

3. According to the petitioner, his father late Sri Komuraiah purchased the land admeasuring Ac.2-30 gts in Sy.No.55/B of Saknapur village, Talamadugu Mandal, Adilabad District from one Sri Ambarao by way of a Sale Deed dated 21.06.1961. It is further averred in the affidavit filed in support of the writ petition that earlier his father and subsequently petitioner is in possession of the property and the father of the petitioner expired in the year 2003. The Special Deputy Collector (Tribal Welfare), Utnoor, Adilabad District/third respondent herein pressed into service the

provisions of Section 3 of the Andhra Pradesh Scheduled Area land Transfer Regulations Act, 1959 read with amended regulation 1 of 1970 and passed an order in Case.No.TWA2/709/92 dated 21.09.2012, directing ejectment of the petitioner herein from the scheduled land and ordered the same to be taken to the custody of the Government. As against the said order of ejectment passed by the third respondent herein, petitioner herein filed LTR Appeal No.A4/LTR/88/2013, dated 26.09.2014. The second respondent/Additional Agent to the Government, by way of an order dated 26.09.29014 dismissed the said appeal filed by the petitioner herein, confirming the order of ejectment passed by the third respondent.

4. As against the said orders passed by the primary and appellate authorities, petitioner herein field a revision petition before the State Government/first respondent herein on 20.11.2014 and the petitioner herein also filed an application seeking stay of the orders passed by the primary and the appellate authorities on the even date. It is further submitted by the learned counsel for the petitioner that the said revision is pending consideration before the first respondent/State Government. It is also to be noted that by way of a memo bearing No.3730/TW.LTR/2015, dated 21.09.2017, the first respondent State Government requested the Additional Agent to the Government/second respondent to furnish the para-wise remarks and the connected case original records for disposal of the said revision, but rejected the said stay application filed by the petitioner herein. In the above background, the present writ petition is filed.

5. It is submitted by the learned counsel for the petitioners, reiterating the affidavit filed in support of the writ petition that the subject land contains standing cotton crop raised by the petitioner herein and the fourth

respondent herein is making hectic efforts to assign the subject lands to the third respondent and if the same is permitted the petitioner will have to suffer irreparable loss and hardship. Having called for the para-wise remarks from the subordinate authorities, this Court does not find any justification on the part of the first respondent in rejecting the stay application without assigning any reasons.

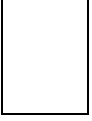
6. Having heard the learned counsel for the petitioner and the learned Government Pleader and taking into consideration the nature of controversy, this Court deems it appropriate to dispose of the present writ petition with a direction to the first respondent State Government to pass appropriate orders on the revision dated 20.11.2014 filed by the petitioner herein against the orders passed by the second and third respondents respectively vide proceedings LTR Appeal No.A4/LTR/88/2013 dated 26.09.2014 and Case NO.TWA2/709/92, dated 21.09.2012, in respect of the land admeasuring Ac.2-30 gts situated in Sy.No.55/B of Saknapur village, Talamadugu Mandal, Adilabad District, within a period of three months from the date of receipt of this order, after hearing all the stake holders. Till the said exercise attains finality, *status quo* obtaining as on today with regard to possession of the subject properties shall be maintained.

7. Accordingly, the writ petition is disposed of. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 30.10.2017

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THE HON'BLE SRI JUSTICE A.V.SESHA SAI



W.P.No.35949 of 2017

Dated 30.10.2017

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