

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.2330 OF 2018

ORDER:

Heard learned counsel for the petitioners and the learned Government Pleader for Social Welfare (TG) appearing for respondent Nos.1 to 4.

2. On a petition filed by the petitioners, the Agency Divisional Officer, Kothagudem, respondent No.3 herein, initiated enquiry under the provisions of the Andhra Pradesh Scheduled Areas Land Transfer Regulations, 1959 (for short, "the Regulations") *vide* LTR Case No.1/2017/Alp and passed an order on 21.10.2017 ordering ejectment of the respondents therein or whoever is in the possession of the subject property while directing resumption of the subject property to the Government. Felt aggrieved by the said order passed by respondent No.3, the petitioners herein filed a statutory appeal under the Regulations before the Additional Agent to the Government/respondent No.2 herein on 18.12.2017. Along with the said appeal, petitioners herein also filed an application seeking stay of taking possession of the property pursuant to the impugned order in the appeal. The said appeal, according to the learned counsel, is pending consideration before respondent No.2 and no orders have been passed either on the said application or in the main appeal.

3. According to the learned counsel for the petitioners, the impugned action to the extent of directing resumption of the land to the Government is contrary to Sections 2(a) and 2(b) of the Regulations. It is further submitted that the authorities ought to

have inducted the petitioners into possession of the property. It is further submitted by the learned counsel that in pursuance of the orders passed by respondent No.3 ordering resumption, now the respondent authorities are actively contemplating to assign the subject land in favour of third parties.

4. Since the appeal remedy is a substantive remedy and as the appeal is pending consideration before respondent No.2, this Court deems it appropriate to dispose of the writ petition with a direction to respondent No.2/appellate authority to pass appropriate orders in the appeal while making an equitable arrangement in the meanwhile.

5. Accordingly, the Writ Petition is disposed of, directing respondent No.2/appellate authority to pass appropriate orders on the appeal, dated 18.12.2017, preferred by the petitioners herein against the orders passed by respondent No.3, dated 21.10.2017, in LTR Case No.1/2017/Alp within a period of three (3) months from the date of receipt of a copy of this order after giving opportunity to all the stakeholders. Till the said exercise attains finality, *status quo* with regard to the subject property shall be maintained. There shall be no order as to costs.

6. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE A.V.SESHA SAI

Date : 29.01.2018

Note:-

Furnish C.C. within two days.

B/O
AMD

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AMD