

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.2562 of 2018

Heard learned counsel for the petitioners and the learned Government Pleader for Social Welfare.

On a petition, filed by the fifth respondent, the Agency Divisional Officer and Revenue Divisional Officer, Kothagudem-third respondent herein initiated enquiry under the A.P.Scheduled Area (Land Transfer) Regulation vide LTR Case No.16/2016/Mkp and passed an order on 21.06.2017 under Section 3 (2) (a) of the A.P.Scheduled Area (Land Transfer) Regulation ordering ejectment of the petitioners herein. As against the said order of ejectment, passed by the third respondent herein, the petitioners herein filed a statutory appeal on 16.11.2017 before the Additional Agent to Government and Project Officer-second respondent herein. Along with the said appeal petitioners herein also filed an application seeking suspension of the order, dated 21.06.2017, passed by the third respondent.

According to the petitioners herein, the said appeal is still pending consideration before the second respondent. It is submitted by the learned counsel for the petitioners that no orders have been passed either on the appeal or on the

interlocutory application filed along with the appeal. It is further submitted that, in view of the absence of any orders in the appeal, the respondent authorities are actively contemplating to dispossess the petitioners herein from the scheduled lands and are making efforts to hand over possession to the unofficial respondent. The right of appeal is a substantive right and, as the petitioners herein have raised a number of grounds in the Memorandum of Appeal, filed before the second respondent, and as the appeal is pending consideration before the second respondent herein, this Court deems it appropriate to dispose of the Writ Petition with a direction to the second respondent to pass appropriate orders on the appeal filed by the petitioners herein.

For the aforesaid reasons, the Writ Petition is disposed of, directing the second respondent to pass appropriate orders on the appeal, dated 16.11.2017, preferred by the petitioners herein against the orders of the third respondent, dated 21.06.2017, vide LTR Case No.16/2016/Mkp, within a period of three months from the date of receipt of a copy of this order after affording opportunity to all the stakeholders. Till the said exercise attains finality, *status quo*, with regard to possession of the subject properties, shall be maintained.

As a sequel thereto, miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI

30th January, 2018.
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