

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.2675 OF 2018

ORDER:

Heard learned counsel for the petitioners, learned Government Pleader for Social Welfare (A.P.) appearing for respondent Nos.1 to 4 and Sri M.Babji, learned counsel appearing for respondent No.5.

2. The Special Deputy Tahsildar, Tribal Welfare, Addateegala filed a complaint under Section 3(1) of the Andhra Pradesh Scheduled Areas Land Transfer Regulations, 1959, as amended by Regulation 1 of 1970 praying for restoration of the subject property admeasuring Ac.0.10 cents with RCC building situated at Addateegala Village and Mandal, East Godavari District. The Special Deputy Collector (T.W.), Rampachodavaram, respondent No.3 herein, on 28.09.2012, passed an order of ejectment against the petitioners herein *vide* LTRP No.8/2008 while directing restoration of the property to the Government for onward assignment to the eligible tribes.

Aggrieved by the said order, the petitioners herein preferred C.M.A.No.4 of 2012 before the Additional Agent to Government, respondent No.2 herein. Respondent No.2, on 11.12.2017, disallowed the appeal and confirmed the orders passed by respondent No.3. As against the said orders passed by the primary and the appellate authorities, petitioners herein preferred a statutory revision before respondent No.1/State Government on 05.01.2018. Along with the said revision, they also filed an

application seeking suspension of the orders passed by the appellate authority.

3. According to the learned counsel for the petitioners, the said revision is pending consideration before respondent No.1 and no orders have been passed so far either on the suspension application or in the main revision. It is also the submission of the learned counsel that in view of the absence of any orders in the revision, the respondent authorities are actively contemplating to dispossess the petitioners herein from the subject property and if they are permitted to resort to the same, the petitioners herein will have to suffer irreparable loss and hardship and the statutory revision would become infructuous.

4. On the other hand, it is submitted by the learned Government Pleader that in view of the pendency of the revision before the State Government, it is not open for the petitioners herein to maintain the present writ petition under Article 226 of the Constitution of India.

5. Learned counsel for respondent No.5 submits that there is no error nor there exists any illegality in the orders passed by the primary and the appellate authorities, as such, the petitioners herein are not entitled for any relief from this Court under Article 226 of the Constitution of India.

6. Since a statutory revision filed by the petitioners herein is pending consideration before respondent No.1/State Government and as no orders have been passed on the said revision and having regard to the nature of controversy, this Court deems it

appropriate to dispose of the present writ petition, directing respondent No.1 to pass appropriate orders on the revision, dated 05.01.2018, preferred by the petitioners herein against the orders of the appellate and the primary authorities i.e., respondent Nos.2 and 3 herein on 11.12.2017 and 28.09.2012 within a period of four (4) 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.

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

Date : 31.01.2018
AMD

JUSTICE A.V.SESHA SAI



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Date: 31.01.2018

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