

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.3329 OF 2018

ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for Social Welfare (A.P.) appearing for respondent Nos.1 to 3.

2. The Special Deputy Collector (Tribal Welfare), Kota Ramachandrapuram, West Godavari District, respondent No.3 herein, passed an order of ejectment against the petitioner herein in respect of land admeasuring Ac.2.01 cents situated in R.S.No.372/2 of Laxmudugudem Village, Buttaigudem Mandal, West Godavari District under the provisions of the Andhra Pradesh Scheduled Areas Land Transfer Regulations, 1959. Against the said order of ejectment passed by respondent No.3, petitioner herein filed a statutory appeal before respondent No.2/Agent to Government – cum – District Collector, West Godavari District at Eluru on 08.12.2017. According to the petitioner, along with the said appeal, he also filed an application seeking stay of execution of the orders passed by the primary authority.

3. The grievance of the petitioner in the above background is that because of absence of any orders either on the stay application or in the main appeal, the respondent authorities are actively contemplating to dispossess the petitioner herein from the schedule land and if the same is permitted, the petitioner herein will have to suffer irreparable loss and hardship. It is also submitted that by issuing Form-F notice, respondent No.3 also

directed the Tahsildar, Buttaigudem Mandal to assign the subject land to others.

4. Since the right of appeal is a substantive right, and as the petitioner herein already filed an appeal so also an application seeking stay of the execution of the orders passed by the primary authority, this Court, taking into consideration the submissions of the learned counsel for the petitioner and the learned Government Pleader, deems it appropriate to dispose of the present writ petition with a direction to respondent No.2 - Agent to Government - cum - District Collector, West Godavari District at Eluru to pass appropriate orders on the appeal, dated 08.12.2017, preferred by the petitioner herein within a period of four (4) months from the date of receipt of a copy of this order after hearing all the stakeholders. Till the said exercise attains finality, *status quo* with regard to possession of the subject property shall be maintained.

5. Accordingly, the Writ Petition is disposed of. 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 : 12.02.2018
AMD

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