

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.3666 OF 2018

ORDER:

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

2. On the petition filed by respondent No.5 herein, the Agency Divisional Officer, Kothagudem, Khammam District, respondent No.3 herein, initiated proceedings under the Andhra Pradesh Scheduled Areas Land Transfer Regulations, 1959 (for short, “the Regulations”) and passed an order of ejectment against the petitioners herein *vide* L.T.R. Case No.8/2015/Sing, dated 28.12.2015, in respect of the land admeasuring Ac.2.00 guntas situated in Sy.No.400/1 of Viswanadhapalli Village, Singareni Mandal, Khammam District. As against the said orders passed by respondent No.3, petitioners herein filed a statutory appeal under the Regulations before the Additional Agent to Government, Bhadrachalam, respondent No.2 herein *vide* C.M.A.No.19 of 2016. Respondent No.2 dismissed C.M.A.No.19 of 2016 by way of an order, dated 31.08.2017. Challenging the validity and legal sustainability of the said orders passed by the primary and the appellate authorities, the petitioners filed an appeal before the State Government, respondent No.1 herein, on 10.11.2017. Along with the said appeal, they also filed an application, seeking suspension of the orders impugned in the C.M.A.

3. In the above background, the grievance of the petitioners in the present writ petition is that in view of the absence of any

orders in the said appeal and the suspension application, dated 10.11.2017, filed by the petitioners herein, the respondent authorities are actively contemplating to dispossess the petitioners herein from the schedule lands and if the same is permitted, petitioners herein will be put to irreparable loss and hardship.

4. On the other hand, it is submitted by the learned Government Pleader that having filed the statutory appeal before the State Government, it is not open for the petitioners herein to approach this Court under Article 226 of the Constitution of India and it is open for the petitioners herein to pursue the appeal pending before the State Government.

5. The Agency Divisional Officer, Kothagudem, by way of an order, dated 28.12.2015, while ordering ejectment of the petitioners herein, directed the Tahsildar, Singareni to restore the schedule land to the Tribal pattadar or to his legal heirs and in the event of impossibility of the same, to take the possession of the land to the Government custody and to assign to the landless poor tribal for house sites purpose. The appellate authority, while confirming the orders passed by the primary authority, directed the Tahsildar, Singareni to register a complaint in the police station against the appellants/petitioners herein under Section 6-A(1) of the Regulations. While referring to the same, it is submitted by the learned counsel for the petitioners that in the event of the same being permitted pending appeal before the State Government, the entire appeal pending before the State Government would become a futile exercise.

6. Having regard to the above submissions made by the learned counsel for the petitioners and taking into account the submission of the learned Government Pleader, this Court deems it appropriate to dispose of the present writ petition, with a direction to respondent No.1/State Government to pass appropriate orders on the appeal, dated 10.11.2017, filed by the petitioners herein against the order, dated 28.12.2015 in L.T.R Case No.8/2015/Sing of the primary authority and the order, dated 31.8.2017, in C.M.A.No.19 of 2016 of the appellate authority within a period of four (4) months from the date of receipt of a copy of this order. Till the said exercise attains finality, *status quo* with regard to the subject property shall be maintained.

7. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

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

JUSTICE A.V.SESHA SAI

Date : 06.02.2018
AMD

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