

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.5211 of 2018

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Social Welfare (A.P.) appearing for the respondents.

2. The Special Deputy Tahsildar, Tribal Welfare, Gangavaram 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 Acs.8.92 cents in Survey No.185/1 situated at Molleru Village, Gangavaram Mandal, East Godavari District. The Special Deputy Collector (T.W.), Rampachodavaram, respondent No.3 herein, on 03.04.1998, passed an order of ejectment against the petitioner herein vide LTRP No.316/1997 while directing restoration of the property to the Government for onward assignment to the eligible tribals. Aggrieved by the said order, the petitioner herein preferred C.M.A.No.82 of 2008 before the Additional Agent to Government, respondent No.2 herein. Respondent No.2 by order, dated 14.11.2017 disallowed the appeal and confirmed the order passed by respondent No.3. As against the said orders passed by the primary and the appellate authorities, petitioner herein preferred a statutory revision before

respondent No.1/State Government on 03.02.2018. Along with the said revision, he also filed an application seeking suspension of the order passed by the appellate authority.

3. According to the learned counsel for the petitioner, 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 the absence of passing any order in the revision, the respondent authorities are actively contemplating to dispossess the petitioner herein from the subject property and if they are permitted to resort to the same, the petitioner 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 pendency of the revision before the State Government, it is not open for the petitioner herein to prefer the present Writ Petition under Article 226 of the Constitution of India.

5. Since a statutory revision filed by the petitioner 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 03.02.2018, preferred by the petitioner herein against the orders of the appellate and primary authorities i.e., respondent Nos.2 and 3 herein on 14.11.2017 and 03.04.1998 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.

The Writ Petition is accordingly disposed of.

Consequently, Miscellaneous Petitions, if any pending in this Writ Petition, shall stand closed. No order as to costs.

19th FEBRUARY, 2018.

A.V.SESHA SAI, J

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