

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.5890 OF 2018

ORDER:

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

2. 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.1/2017/Tkp and passed an order on 22.12.2017 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 31.01.2018 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 22.12.2017, passed by the third respondent.

3. 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 schedule 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 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.

4. For the aforesaid reasons, the Writ Petition is disposed of, directing the second respondent to pass appropriate orders on the appeal, dated 31.01.2018, preferred by the petitioners herein against the orders of the third respondent, dated 22.12.2017, *vide* LTR Case No.1/2017/Tkp 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. There shall be no order as to costs.

5. As a sequel thereto, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE A.V.SESHA SAI

Date : 22.02.2018
AMD

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