

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.8635 OF 2018

ORDER:

In the present writ petition, challenge is to the order, dated 23.12.2017, passed by the Additional Agent to Government, Bhadrachalam, respondent No.2 herein, in C.M.A.Nos.55 and 57 of 2015.

2. Heard learned counsel for the petitioner and the learned Government Pleader for Social Welfare (TG) appearing for the official respondents.

3. On a petition filed by the unofficial respondents herein, the Agency Divisional Officer, Kothagudem, respondent No.5 herein, initiated enquiry under the provisions of the Andhra Pradesh Scheduled Areas Land Transfer Regulations *vide* L.T.R.No.1/2014/Kmpl. Respondent No.5 passed an order in the said L.T.R.No.1/2014/Kmpl on 21.08.2015 ordering ejectment of the petitioner herein while directing the Tahsildar to take possession of the property into the Government custody for assignment in favour of landless poor tribe. Aggrieved by the said orders passed by the primary authority, both the petitioner as well as the unofficial respondents herein preferred appeals before the Additional Agent to the Government, Bhadrachalam, respondent No.2 herein, *vide* C.M.A.Nos.55 and 57 of 2015 respectively. Respondent No.2 passed an order on 23.12.2017 confirming the orders passed by the primary authority. Hence, the present writ petition.

4. According to the learned counsel for the petitioner, the orders impugned are highly erroneous, illegal and without jurisdiction and the official respondents herein grossly erred in enquiring into the validity of the sale deed.

5. On the other hand, it is submitted by the learned Government Pleader that only after giving complete opportunity to the petitioner herein, the appellate authority passed the impugned order and the petitioner herein cannot complain any violation of the principles of natural justice. He further submitted that as against the orders impugned in the writ petition, there is a remedy of statutory revision available to the petitioner herein under the Andhra Pradesh Scheduled Areas Land Transfer Regulations and without availing the same, the present writ petition is filed directly before this Court.

6. Having heard the learned counsel for the petitioner and the learned Government Pleader, this Court deems it appropriate to dispose of the writ petition, keeping it open to the petitioner herein to approach the revisional authority/respondent No.1 herein by filing a revision petition under the aforesaid Regulations against the orders impugned in the writ petition within a period of four (4) weeks from the date of receipt of a copy of this order. If any such revision is filed within the said period, the same be considered and appropriate orders be passed strictly in accordance with law after giving notice to all the stakeholders within a period of six (6) weeks thereafter. Till the said exercise attains finality, *status quo* with regard to possession of the subject property shall be maintained.

7. With the above direction, 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 : 16.3.2018
AMD



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