

THE HONOURABLE Dr.JUSTICE B.SIVA SANKARA RAO

Writ Petition No.5045 of 2017

ORDER :

Heard the learned counsel for the petitioner and the learned counsel for the unofficial 5th respondent and the learned Govt. Pleader for Tribal Welfare for Respondents 1 to 4 and perused the prayer in the writ petition with the supporting affidavit and the exparte interim order passed by this Court before admission on 01.03.2017. The exparte interim order reads as follows:-

“There shall be interim suspension of the order of the third respondent dated 27.08.2016, for a period of six(6) weeks.”

2. The prayer in the writ petition reads as follows:-

“to issue any appropriate order or direction more in the nature of Writ of Mandamus declaring the inaction on the part of the Respondent No 2 in considering the Suspension petition filed by the petitioner along with appeal on 1-2-2017 against the Judgment and ejectment decree dated 27-8-2016 in Case No TWA1/459/2007 passed by the Respondent No 3 by invoking the provisions of AP Scheduled Areas Land Transfer Regulations 1959 read with Amended Regulation-1 of 1970 pending disposal of the appeal as illegal arbitrary and contrary to the provisions of AP Scheduled Areas Land Transfer Regulations 1959 read with Amended Regulation-I of 1970 and pass such order or orders”

3. It is the supporting affidavit averments vis-a-vis oral submissions that despite the appeal along with the stay petition filed pursuant to the directions issued in the earlier W.P.No.1055 of 2017, dt.06.01.2017 to avail alternative remedy of the statutory appeal, before the Agent to the Government/ the District Collector (wrongly mentioned as if Project Director, Utnoor), which is not disposed of by the appellate authority supra. In fact, it is pursuant

to which, this Court on 01.03.2017 suspended the judgment and decree of ejectment dt.27.08.2016 in Case No.TWA1/ 459/ 2007.

4. Having regard to the above, though it is the submission of the learned counsel for the 5th respondent that the very writ petition is not maintainable and exparte interim order could not have even been passed by this Court; to subserve the ends of justice, the Writ Petition is disposed of directing the Agent to the Government/the District Collector to dispose of the appeal within four (4) months from the date of receipt of the order. All defences on maintainability of the appeal are left open to the 5th respondent to the writ petition as respondent to the appeal.

5. Consequently, miscellaneous petitions, if any, pending shall stand closed.

Date:26.04.2018
vvr

Dr. B.SIVA SANKARA RAO J,

