

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.14731 of 2018

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking verbatim the following relief:

“..to issue an appropriate Writ, Order or Direction more particularly one in the nature of Writ of Certiorari by call for the records in LTR case No.3/2017/GDL, dt.30.01.2018 on the file of respondent no.2 herein and quash the same as being illegal, arbitrary, against the law and violation of Article 21 of the Constitution of India and principles of natural justice and consequentially it is further prayed that this Hon'ble Court may be pleased to call for the records in CMA on the file of 3rd respondent ITDA herein and declare the inaction of the respondent no.3 in adjudicating the IA in CMA as being illegal, arbitrary and violative of APSA LTR 1959 and also violation of Article 14 and 21 of the Constitution of India and pass such other order or orders may deem fit and proper in the circumstances of the case.”

2. Learned counsel for the petitioner submits as follows:

‘Having been aggrieved by the order, dated 30.01.2018, in LTR Case No.3/2017/Gdl of the 2nd respondent-Agency Divisional Officer, Kothagudem, the petitioner herein preferred an appeal before the 4th respondent/Additional Agent to Government-cum-Project Officer, ITDA Bhadrachalam; that in the said appeal, the petitioner also filed an application under Section 151 of the Code of Civil Procedure read with Section 42 (c) of A.P. Agency Rules, 1924, seeking grant of stay; that the appellate authority is neither disposing of the application seeking

grant of stay nor the appeal; and, that while so, attempts are being made to dispossess the petitioner from the subject property and restore the subject property to a tribal pattadar or his legal representative under a cover of panchanama; and, therefore, the present writ petition is filed.'

3. Learned counsel for the petitioner submits that if a direction is given to the appellate authority to dispose of the appeal within a time frame and the interests of the petitioner are protected till such time, the ends of justice would be met.

4. Learned Government Pleader for Social Welfare appearing for respondent Nos.1 to 4 endorses the said submission.

5. Having regard to the submissions, the writ petition is disposed of directing the 4th respondent – Additional Agent to Government-cum-Project Officer, ITDA, Bhadrachalam, to dispose of the appeal of the petitioner filed against LTR Case No.3/2017/Gdl within four months from the date of receipt of a copy of this order in strict accordance with the procedure established by law. Till such time, respondent Nos.1 to 3 are directed not to disturb the possession of the petitioner over the subject property.

6. Miscellaneous petitions pending, if any, in this writ petition shall stand dismissed.

M.SEETHARAMA MURTI, J

26.04.2018
v v