

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Writ Petition No.26384 of 2007

ORDER:

Petitioner seeks a Writ in the nature of Mandamus declaring the order dated 10.10.2007 in Case No.TW A1/310/2007 of the second respondent, passing ejectment decree in respect of land in Sy.No.99/Part in an extent of Ac.0.12gts. of dry land in Chinthaguda Village, Kagaz Nagar Mandal, Adilabad District without considering the petitioner's reply as arbitrary, illegal and violative of Articles 14 and 21 of the Constitution of India and consequently set aside the same.

2) When the matter came up for hearing, learned Government Pleader for Social Welfare (TG) would submit that against the impugned order, an appeal is provided under Section 3(3)(a) of Andhra Pradesh Scheduled Areas Land Transfer Regulation 1 of 1959 (for short "A.P.S.A.L.T. Regulation") as amended by 1/1970 and without availing the statutory appeal provision, petitioner is not entitled to file the writ petition and on that ground he requested to dismiss the writ petition.

3) Learned counsel for petitioner submits that primary authority has not at all considered the representation submitted by the petitioner in Case No.TW A1/310/2007 and therefore he had to file the writ petition.

4) As can be seen from Section 3(3)(a) of A.P.S.A.L.T. Regulation 1/1959 as amended by 1/1970, against the order of Special Deputy Collector i.e. Agency Divisional Officer, appeal lies to the Agent to the Government and to that extent the Statute is clear.

5) In that view, petitioner can represent his case in the appeal to vindicate his stand. While admitting the writ petition this Court granted interim order and in the considered view of this Court, the said interim order can be continued till the petitioner prefers an appeal.

6) In the result, this Writ Petition is disposed of directing the petitioner to prefer an appeal before the concerned authority under Section 3(3)(a) of the A.P.S.A.L.T. Regulation within four (4) weeks from the date of this order, in which case, the appellate authority shall, after affording opportunity to both sides, hear the appeal and pass an appropriate order on merits as per law within eight (8) weeks thereafter and till the order is passed in the appeal, the interim stay granted by this Court in W.P.M.P.No.34413 of 2007 dated 10.12.2007 shall be in force. No costs.

As a sequel there to, miscellaneous applications, pending if any, shall stand closed.

U.DURGA PRASAD RAO, J

Date: 14.09.2018
Murthy