

HON'BLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.13556 of 2015

ORDER:

Heard the learned counsel for the petitioners as well as the learned Government Pleader appearing for respondent Nos.1 to 4.

The prayer sought in the writ petition is as under:

“... to issue order, direction more particularly one in the nature of writ of MANDAMUS declare the action of the Respondents No.1 to 4 seeking eviction of the petitioners pending disposal of the case SR.No.1/2009 on the file of Spl. Dy. Collector (TW), Polavaram as illegal, arbitrary and contrary to the provision of A.P.S.A.L.T. Reg.1/59 as amended by Reg.1/70 and consequentially direct the respondent No.1 to 4 not to evict the petitioners from the respective lands as mentioned in Annexure-A.”

The case of the petitioners is that they are the landless poor persons belonging to Schedule Tribe Koya Community holding agricultural land to an extent of Ac.92.45 cents in Sy.Nos.1/2, 15, 17, 20, 21, 22/4, 22/5 and 23 to 26 situated at Jaganadhapuram Village belonging to Sri Repaka Ramalingamswamy and his family members, who are non-tribes. However, one Sri P. Nageswar Rao, schedule tribe, filed a complaint on behalf of the petitioners before the Special Deputy Collector (TW), Polavaram, West Godavari District, the 3rd respondent herein, under Section 3 of A.P.S.A.L.T. Regulation 1/59 as amended by Regulation 1/70 against the 5th respondent on the ground that the 5th respondent in violation of the regulations purchased the subject land. On such complaint, the 3rd respondent registered a case in SR.No.1 of 2009 and issued notice to the 5th respondent on 01.06.2009 and the said case is still pending consideration. The petitioners are in possession of the subject property, wherein a Mango garden is existing. At this stage, due to the influence of the local MLA, respondent Nos.2 and 3, without passing any orders, insisting the petitioners not to enter

into the subject land. In those circumstances, the present writ petition is filed.

Learned counsel appearing for the petitioners submitted that when proceedings are pending before the 3rd respondent in SR.No.1 of 2009, the petitioners cannot be dispossessed until final orders are passed.

Per contra, the learned Government Pleader, on instructions, submit that the proceedings initiated in SR.No.1 of 2009 before the 3rd respondent are still pending consideration. Therefore, until final orders are passed in the said SR.No.1 of 2009, the petitioners will not be dispossessed.

Having heard both the counsel and taking into consideration the submissions made by the learned Government Pleader, the writ petition is disposed of, directing the 3rd respondent to dispose of SR.No.1 of 2009, as expeditiously as possible, after giving an opportunity to all concerned and pass appropriate orders as per law.

It is needless to observe that till the final orders are passed in SR.No.1 of 2009, no coercive steps should be taken against the petitioners, particularly, dispossessing them from the subject land. No costs.

Miscellaneous petitions, if any, shall also stand closed.

P. KESHAVA RAO, J

Date: 30.11.2018.
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