

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.21865 of 2018

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, for the following relief:

“To pass an order or direction or writ more particularly in the nature of writ of Mandamus duly declaring the action of the respondent in refusing to protect the possession of the petitioner in respect of Acs 2 land situated in survey number 400/1 situated at Viswanadhapalli village of Singareni Mandal Bhadradi Kothagudem District despite Panchanama dated 26 02 2016 as illegal arbitrary and against the principles land down under APSA Land Transfer Regulations 1959 and consequently direct the respondents not to interfere with the peaceful possession and enjoyments of the petitioner in the respect of the said lands in the interest of justice.”

2. With the consent of both the parties, this Court deems it appropriate to dispose of the writ petition.

3. Petitioner in this writ petition, by pressing into service the provisions of Land Transfer Regulations, filed an application before the Agency Divisional Officer, Kothagudem against the unofficial respondents herein. The Agency Divisional Officer/the third respondent herein in LTR.Case.No.8/2015/Sing passed an order on 28.12.2015 ordering restoration of the Scheduled Land i.e., the land in Sy.No.400/1 admeasuring Ac.2.00 at Viswanadhapalli Village of Singareni Mandal, Khammam District in favour of the Tribal pattadar or to his legal heirs and in the event of the Tribal Pattadar or his legal heirs are not available and not possible to restore the land, to take possession of the land into Government Custody and assign to landless poor labourers for house-sites.

4. Thereafter, the unofficial respondents 6 and 7 herein filed CMA.No.19 of 2015 before the Second respondent/Additional Agent to Government and along with the said appeal they also filed I.A.No.17 of 2016 before the Second Respondent appellate authority, seeking stay of further proceedings pursuant to the order of the primary authority dated 28.12.2015. The said I.A.No.17 of 2016 was dismissed by the second respondent. Against the said order, the respondents 6 and 7 herein preferred CRP No.2990 of 2012 before this Court and this Court allowed the said revision by way of an order dated 15.07.2016. Operative portion of the said order reads as under:

“6. This Court finds force in the above said submission of learned counsel for petitioners. Accordingly, this Civil Revision Petition is allowed and the impugned Order Dt. 30.04.2016 in I.A.No.17 of 2016 in C.M.A.No.19 of 2016 is set aside and the learned Additional Agent to Government, Bhadrachalam, is directed to dispose of the CMA No.19 of 2016 expeditiously within two months from the date of receipt of a copy of this Order and until the disposal of the CMA, stay of the Order dt.28.12.2015 in LTR Case No.8/2015/SNG of Agency Divisional Officer, Kothagudem, is granted. No costs.”

5. It is also brought to the notice of this Court during the course of arguments that subsequently on 31.08.2017 CMA.No.19 of 2016 filed by the unofficial respondents herein came to be dismissed by the second respondent appellate authority. Thereafter, assailing the orders of the primary as well as the appellate authority, the respondents 5 and 6 approached the State Government by way of filing appeal on 10.11.2017. Pending the said appeal before the first respondent/State Government, the unofficial respondents herein approached this Court by way of filing W.P.No.3666 of 2018. This Court, by way of an order dated 06.02.2018, disposed of the said writ petition and the operative portion of the said order, at paragraph 6, reads as under:

“6. Having regard to the above submissions made by the learned counsel for the petitioners and taking into account the submission of the learned Government Pleader, this Court deems it appropriate to dispose of the present writ petition, with a direction to respondent No.1/State Government to pass appropriate orders on the appeal, dated 10.11.2017, filed by the petitioners herein against the order, dated 28.12.2015 in L.T.R Case No.8/2015/Sing of the primary authority and the order, dated 31.8.2017, in C.M.A.No.19 of 2016 of the appellate authority within a period of four (4) months from the date of receipt of a copy of this order. Till the said exercise attains finality, status quo with regard to the subject property shall be maintained.”

6. According to the learned counsel for the petitioner, pursuant to the orders of the primary authority dated 28.12.2015, a panchanama was conducted on 26.02.2016 and delivery of the land was also affected in his favour.

7. This Court, while ordering notices in the present writ petition, granted interim direction on 03.08.2018, directing the respondents not to interfere with the peaceful possession and enjoyment of the petitioner herein in respect of the schedule property.

8. It is also brought to the notice of this Court during the course of arguments that the appeal filed by the respondents is still pending consideration before the State Government. It is also not in dispute that this Court while disposing of W.P.No.3666 of 2018, directed *status quo* to be maintained with regard to the subject property pending appeal before the State Government/first respondent.

9. Having heard the learned counsel for the petitioner and the learned Government Pleader, this Court deems it appropriate to dispose of the writ petition with a direction to the first respondent State Government to dispose

of the appeal pending against the orders dated 28.12.2015 in L.T.R. Case No.8/2015/Sing of the primary authority and the order dated 31.08.2017, in CMA.No.19 of 2016 of the appellate authority, within a period of one month from the date of receipt of a copy of this order. Till then, Status quo with regard to possession of the subject property shall be maintained. There shall be no order as to costs. Miscellaneous petitions, if any, shall also stand disposed of.

Date: 6.12.2018
grk

A.V.SESHA SAI, J



THE HON'BLE SRI JUSTICE A.V.SESHA SAI



W.P.No.21865 of 2018

Dated: 06.12.2018

grk