

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

W.P.No.33233 of 2017

ORDER:

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

“To issue appropriate order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondents in seeking to evict the petitioner from his land to an extent of Ac.3.61 cents in Sy.No.100/1 situated in Vathangi village, Rajavommangi mandal, East Godavari district in pursuance of the order passed by the 2nd respondent in L.T.R.P.No.268/80 pending disposal of the appeal filed before the 2nd respondent on 21.8.2017 as illegal, arbitrary and unjust and consequently direct the respondents not to evict the petitioner from his land mentioned above”.

2. Heard the learned counsel for the petitioners and the learned Government Pleader appearing for Respondents 1 to 4.

3. According to the petitioner, he is the son of late Gollapalli Peddi Raju, Resident of Vathangi village, Rajavommangi mandal, East Godavari district. On a complaint made by the Special Deputy Tahsildar (Tribal Welfare), Rajavommangi, the Special Deputy Collector (Tribal Welfare), West Godavari district, Rampachodavaram initiated proceedings under A.P. (Scheduled Area) Land Transfer Regulation 1 of 1959 against the father of the petitioner and another. The Deputy Collector (Tribal Welfare) in L.T.R.P.No.268 of 1980 on 5.11.1990, ordered ejectment of the persons in possession of the property under Regulation 3(2) of Regulation 1 of 1959. According to the learned counsel for the petitioner, his father died on 18.10.2010 and during his lifetime, the

order passed by the Deputy Collector (Tribal Welfare) on 5.11.1990 was not communicated either to the father of the petitioner or to any of his family members. It is further stated in the affidavit filed in support of the writ petition that the petitioner herein came to know about the order passed by the Deputy Collector only when the revenue officials came to their land and tried to dispossess the petitioner from the subject property. It is further stated that the petitioner made application through his counsel under Right to Information Act on 7.7.2017, requesting to furnish a copy of the order made in L.T.R.P.No.268 of 1980 dated 5.11.1990 and the same was obtained. It is also the case of the petitioner that thereafter on 21.8.2017, petitioner herein filed appeal before the 2nd respondent-Additional Agent to the Government, East Godavari district, Rampachodavaram and along with the said appeal, he also filed stay application. It is also the submission of the learned counsel for the petitioner that the petitioner herein also filed application, seeking condonation of delay of 26 years in filing the said appeal. The grievance of the petitioner in the present writ petition is despite pendency of appeal, stay application and condone delay application, the respondent authorities are attempting to evict the petitioner from the subject land.

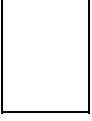
4. Having heard the learned counsel for the petitioner and the learned Government Pleader appearing for Respondents and having regard to the facts and circumstances of the case, this Court deems it appropriate to dispose of the writ petition with a direction to the 2nd respondent-Additional Agent to the Government to pass appropriate orders on the condone delay application said to have been filed by the

petitioner herein along with appeal dated 21.8.2017 within a period of four weeks from the date of receipt of this order, in accordance with law. Pending consideration of the said application, Statusquo as on today shall be maintained with regard to subject property. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 6.2.2018
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THE HON'BLE SRI JUSTICE A.V.SESHA SAI



6.2.2018

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