

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.5483 OF 2019

Date: 18.03.2019

Between:

Pallapu Pedda Kotaiah, s/o. Yelamanda,
Aged 73 years, occu: Coolie, R/o.H.No.4-1-3,
Near Kunavaram Railway Gate, Manuguru
Mandal, Bhadradi Kothagudem district.

.....Petitioner

and

The State of Telangana, rep.by its
Prl.Secretary, Social Welfare Department,
Secretariat, Hyderabad and others.

.....Respondents



The Court made the following:

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ORDER:

This Writ Petition is filed by the petitioner aggrieved by the order of Special Deputy Collector (Tribal Welfare), Bhadrachalam in LTR Case No.25/2016/MGR, dated 04.01.2017. By this order, directions were issued to Tahsildar to eject the respondents therein from possession and take further action to assign the same to the eligible Tribals. In the schedule of the order, it describes 'Name of the village', 'survey number', and 'extent'. Petitioner herein is the first respondent therein. The order was passed on 04.01.2017. Petitioner now contends that this order was served recently and though petitioner is no way concerned with the land mentioned in survey number, Revenue authorities are seeking to dispossess the petitioner from the house bearing No.4-1-3 (old no.14-1-105/4) to an extent of six guntas in Sy.No.314 of Samithi Singaram village, Manuguru Mandal.

2. As petitioner is respondent no.1 and suffered the order from the Special Deputy Collector, as provided in Rule 8 of the Andhra Pradesh Scheduled Areas Land Transfer Rules, 1969, remedy of appeal is available before the Agent to Government. Without exhausting said remedy, this Writ Petition is filed after two years of the date of the order. If what is contended by the learned counsel for petitioner is true that order was served recently and he has still limitation to prefer appeal against the said order and seek appropriate directions for protection during pendency of appeal. But without availing remedy provided under the Andhra Pradesh

Scheduled Areas Land transfer Regulation, 1959 read with the Rules 1969, this Writ Petition is filed.

3. If what is contended by learned counsel for petitioner is true that though petitioner is no way concerned with the land mentioned in the schedule of the order, there is no cause to apprehend. It cannot be expected that respondents would interfere with the land of petitioner, if it is no way concerned with the subject matter of LTR Case No.25/2016/MGR. Thus, leaving it open to petitioner to prefer appeal, as per the Rule 8 of the Rules, 1969, if aggrieved by the order in LTR Case No.25/2016/MGR, dated 04.01.2017. Writ Petition is dismissed. Pending miscellaneous petitions shall stand dismissed.

JUSTICE P.NAVEEN RAO

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