HIGH COURT FOR THE STATE OF TELANGANA
(Special Original Jurisdiction)

TUESDAY ,THE EIGHTEENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY

PRESENT

THE HONOURABLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION NO: 10648 OF 2020

Between:

1. Lingampalli Ravi, S/o Appaiah, R/o Kamepalli Village and Mandal, Khammam District.
2. Puchakayala Ramakrishna, S/o Appa Rao, R/o Kamepalli village and Mandal, Khammam District.
3. Mothukuri Venkateswarlu, S/o Pichaiah, R/o Kamrepalli Village and Mandal, Khammam District.
4. Puchakayala Venkateswwarlu, S/o Agaiah R/o Thallagudem, Kamepalli Mandal, Khmmam District.
5. Puchakayala Lingaraju, S/o Agaiah, R/o Thallagudem, Kamepalli Mandal Khammam District
6. Puchakayala Appa Rao, S/o Janaki R/o Thallagudem, Kamepalli Mandal, KhammamDistrict.
7. Puchakayala Erra Narasaiah, S/o Venkataswamy, R/o Thallagudem, Kamepalli Mandal, Khammam District
8. Nelluri Venkiatappahai, S/o Gopaiah R/o Thallagudem, Kamepalli Mandal, Khammain District.

...PETITIONERS

AND

1. The State of Telangana, Rep by its Principal Secretary Tribal Welfare, Secretariat, Hyderabad
2. The Additional Agent to Government Project Officer,ITDA, Bhadrachalam, Khammam, District
3. Agency Divisional Officer, Khammam, District
4. The Tasildar, Kamepalli, Khammam, District

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to pass an order or direction or writ, particularly in the nature or Mandamus duly declaring action of the respondents in trying to evict the petitioners from their lands to an extent of Ac. 11.00 in Sy No. 640/a of Kamepalli Village, by virtue of orders in CMA No. 11/2020 of The Additional Agent to Government, Project officer, ITDA, Bhadrachalam as illegal, arbitrary and against the principles of natural justice and consequently direct the respondents not to disturb the petitioners possession of the said lands until they avail the remedy of Revision against the said orders before the Government of Telangana in the interest of justice.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings in LTR Case No. 3/2016/Kmpl in respect of lands to an extent of Ac. 11.00 in Sy No. 640/a of Kamepalli Village in the interest of justice.

Counsel for the Petitioners:SRI. P RAMA SHARANA SHARMA

Counsel for the Respondents: GP FOR SOCIAL WELFARE

The Court made the following:

HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION NO.10648 OF 2020

ORDER:

The present writ petition is filed under Article 226 of the Constitution of India for issue of a writ of mandamus declaring the action of respondents in trying to evict the petitioners from their lands to an extent of Ac.11.00 gts. in Sy. No.640/A of Kamepalli village, by virtue of orders in CMA No.11/2019 passed by the Additional Agent to Government Project Officer, ITDA, Bhadrachalam, as being illegal, arbitrary and against the principles of natural justice with a consequential direction to the respondent authorities not to disturb the petitioners possession of the said lands until they avail the remedy of revision against the said orders before the Government of Telangana in the interest of justice.

2. The present writ petition is taken up for hearing today, i.e. 18.08.2020, through Video Conferencing.

3. Heard learned counsel for the petitioner and learned Government Pleader for Social Welfare appearing for respondent Nos.1 to 4.

4. Learned Counsel for the petitioners while reiterating the writ averments would submit that the petitioner has already approached the 1st respondent authority and has preferred a revision being aggrieved by the order passed by the 2nd respondent authority in CMA. No.11 of 2019. Learned Counsel for the petitioner would further submit that along with the revision petition, the petitioner also filed a stay application seeking stay of implementation of the order passed by the 2nd respondent

authority in CMA No.11 of 2019, by the 4th respondent. Since, the petitioners are in possession of the land for a long time and if the 4th respondent authority gives effect to the orders of the 2nd respondent authority, the revision preferred by the petitioners would become infructuous and academic.

5. On the other hand, Learned Government Pleader for Social Welfare would submit that the petitioners have suffered all through in the LTR proceedings as well as before the 2nd respondent authority and the further preferring of revision by the petitioners herein is only to drag on the matters, as the petitioners are non-tribal, while the land is required to be repossessed by the authorities to be given for the benefit of tribals. Thus, the learned Government Pleader for Social Welfare would submit that any further indulgence shown by this Court would not only frustrate the object for which the Land Transfer Regulation has been enacted, but would also prevent the authorities in taking steps to provide lands to tribals to which they are entitled to under the Act.

6. Considering the submissions made as above, while being in agreement with the submission of the learned Government Pleader for Social Welfare on the larger issue of object to be achieved under the Regulation of 1959 as amended, however, cannot be circumvented without the affected parties exhausting remedies provided under the Regulation, which interalia includes preferring of revision before the Government. Since, in the facts of the present case, the petitioners having already filed a revision petition before the 1st respondent authority being aggrieved by the order of the 2nd respondent authority in CMA No.11 of 2019, this Court is of the view that the 1st respondent authority can be

directed to dispose of the stay application as well as the revision preferred by the petitioners within a time frame.

7. Having regard to the above, the 1st respondent authority is hereby directed to dispose of the stay application filed by the revision petitioners on 05.08.2020 within a period of two months from the date of receipt of a copy of this order by affording an opportunity of hearing to the petitioner herein and also take steps to dispose of the revision preferred within a further period of four months therefrom. Further, till such time, the 1st respondent authority takes up the stay application filed by the petitioners in the revision preferred against the order of the 2nd respondent authority, the 4th respondent authority shall not take any further steps seeking to implement the order passed by the 2nd respondent authority in CMA No. 11 of 2019 thereby dispossessing the petitioner, if no such action is already taken.

8. Subject to the above direction, the Writ Petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SD/-M.MANJULA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary Tribal Welfare, State of Telangana, Secretariat, Hyderabad
2. The Additional Agent to Government Project Officer,ITDA, Bhadrachalam, Khammam, District
3. Agency Divisional Officer, Khammam, District
4. The Tasildar, Kamepalli, Khammam, District
5. One CC to Sri. P. Rama Sharana Sharma, Advocate (OPUC)
6. Two CCs to GP for Social Welfare, High Court for the State of Telangana at Hyderabad (OUT)
7. Two CD Copies.

PM

HIGH COURT

DATED:18/08/2020

J.C.

ORDER

WP.No.10648 of 2020



Disposing of the WP
Without costs.

26/8/2020.