

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

(Special Original Jurisdiction)

WEDNESDAY, THE ELEVENTH DAY OF JANUARY

TWO THOUSAND AND TWENTY THREE

PRESENT

THE HON'BLE SRI JUSTICE J SREENIVAS RAO

WRIT PETITION NO: 1320 OF 2023

Between:

1. GUNDLAPURAPU ESWARAMMA, W/o Daruga, Occ. Agriculture
2. GUNDLAPURAPU DARUGA, S/o Somulu, Occ. Agriculture Both are R/o Bhadrachalam Town and Mandal Bhadradi Kothagudem Dist.

...PETITIONERS

AND

1. The State of Telangana, Rep by its Principle Secretary, Tribal Welfare Department Secretariat, Hyderabad
2. The Additional Agent to Govt and Project Officer I.T.D.A, Bhadrachalam, Bhadradi Kothagudem District
3. The Agency Divisional Officer, Kothagudem, Bhadradi Kothagudem District
4. The Tashildar, Dummugudem Mandal, Bhadradi Kothagudem 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 issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus, declaring the inaction of the 1st respondent in deciding the revision of the petitioner against order dated 09.12.2022 in CMA No. 36/2021 passed by the 2nd respondent is illegal, arbitrary to the provisions of the AP Schedule Areas Land Transfer Regulation 1959 against Article 14, 19 and 21 of the Constitution of India and consequently direct the respondent no.1 to dispose of the stay petition filed in the appeal.

IA NO: 1 OF 2023

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 grant STAY of operation of the Order dated 09.12.2022 in CMA No. 36/2021 passed by the 2nd respondent, pending revision before the 1st respondent.

Counsel for the Petitioners: SRI. KONDAPARTHI SRINIVASA

Counsel for the Respondents: GP FOR SOCIAL WELFARE

The Court made the following:

HONOURABLE SRI JUSTICE J.SREENIVAS RAO

W.P.No.1320 of 2023

ORDER:

Heard the learned counsel for the petitioners as well as learned Assistant Government Pleader for Tribal Welfare for the respondents 1 to 4. With the consent of the learned counsel for the petitioners as well as the learned Asst. Government Pleader for the respondents, the writ petition is disposed of at the stage of admission.

2. According to the learned counsel for the petitioners, one Marma Ramaiah and 16 others have filed complaint before the Agency Divisional Officer, Bhadrachalam for seeking eviction of the petitioners from the subject land to an extent of Acs.31.01 gts in Sy.Nos.64, 62/1, 62/2, 63, 67/2 and 67/1 situated at Singavaram Village of Dummugudem Mandal, Bhadadri-Kothathagudem District. Basing on the said complaint, the Agency Development Officer, Bhadrachalam initiated the proceedings and the same was numbered as LTR Case No.A/02/2021/DGM and the said Authority after following the due procedure as contemplated under the provisions of A.P. Schedule Areas Land Transfer Regulation 1959 passed the order on 06.08.2021 directing the 4th respondent Tahsildar,

Dummugudem Mandal, Bhadradi Kothagudem District to evict the persons, who are in possession of the subject land and hand over the same to the tribal petitioners under cover of panchanama. The learned counsel for the petitioners further submits that questioning the said order, the petitioners have filed appeal by way of CMA No.36 of 2021 on the file of Additional Agent to Government, Bhadrachalam, Bhadradi Kothagudem District/2nd respondent herein. The Appellant Authority after considering the contentions of the respective parties dismissed the appeal confirming the order passed by the 3rd respondent by its order dated 09.12.2022.

3. The learned counsel for the petitioners submits that questioning the above said orders, the petitioners have filed Revision petition under Section 6 of A.P. Schedule Areas Land Transfer Regulation 1/1959 before the Principal Secretary, Tribal Welfare Department-1st respondent herein on 06.01.2023. He further submits that along with Revision petition, the petitioners also filed application under Rule 42 (c) of Agency Rules and Sec.151 of CPC for seeking stay of operation of the orders passed by the 2nd and 3rd respondents. He further contended that the Revisional Authority/1st respondent herein has not passed any orders in the stay

application or in the Revision petition till date. He also contended that pursuant to the orders passed by the 2nd and 3rd respondent, the 4th respondent is trying to evict the petitioners from the subject land.

4. According to the averments made in the affidavit filed in support of the writ petition as well as documents, it clearly shows that the petitioners have filed revision petition under Section 6 of A.P. Schedule Areas Land Transfer Regulation 1/1959 before the Principal Secretary, Tribal Welfare Department-1st respondent herein on 06.01.2023 questioning the orders passed by the 2nd and 3rd respondents dated 09.12.2022, and 06.08.2021. It further discloses that the petitioners also filed stay application along with revision petition for seeking stay of operation of the orders passed by the 2nd and 3rd respondents and the same is pending.

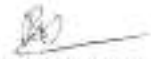
5. In view of the pendency of revision petition as well as stay petition before the 1st respondent, without going into the merits of the case, the 1st respondent is directed to dispose of the stay petition or revision petition filed by the petitioners in accordance with law after giving opportunity to the respective parties therein, within a period of four (4) weeks from the date of receipt of copy of this order.

6. With the above direction, the writ petition is disposed of accordingly.

Miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

**SD/-L.SHIVA PARVATHI
ASSISTANT REGISTRAR**

//TRUE COPY//


SECTION OFFICER

To,

1. The Principle Secretary, Tribal Welfare Department Secretariat, State of Telangana, Hyderabad
2. The Additional Agent to Govt and Project Officer I.T.D.A, Bhadrachalam, Bhadradri Kothagudem District
3. The Agency Divisional Officer, Kothagudem, Bhadradri Kothagudem District
4. The Tashildar, Dummugudem Mandal, Bhadradri Kothagudem District
5. One CC to SRI. KONDAPARTHI SRINIVASA Advocate [OPUC]
6. Two CCs to GP FOR SOCIAL WELFARE ,High Court for the State of Telangana. [OUT]
7. Two CD Copies

HIGH COURT

JSR, J

DATED: 11/01/2023

ORDER

WP.No.1320 of 2023

WRIT PETITION IS
DISPOSED OF
WITHOUT COSTS

