

HON'BLE SRI JUSTICE J SREENIVAS RAO

WRIT PETITION No.4794 OF 2018

ORDER:

This writ petition is filed seeking writ of mandamus declaring the action of respondent No.5 in trying to dispossess the petitioner from the lands to an extent of Ac.3.20 guntas in Survey No.216/A, situated at Gudem Village, Dandepally Mndal, Adilabad District, presently Mancherial District under the guise of issuance of notice vide No.B/28/2018, dated 22.01.2018 even though there is stay with regard to the same subject land in the statutory revision filed by the petitioner before respondent No.1 as illegal.

2. Heard Sri S. Surender Reddy, learned counsel for the petitioner, learned Assistant Government Pleader for Social Welfare appearing on behalf of respondent Nos.1, 3 and 4 and learned Assistant Government Pleader for Revenue appearing on behalf of respondent Nos.2 and 5.

3. Learned counsel for the petitioner submits that the petitioner is the owner of the agricultural land to an extent of Ac.3.20 guntas in Survey No.216/A, situated at Gudem

village, Dandepally Mandal, Adilabad District, presently Mancherial District and the same was purchased by him in the year 1965 from one Bathula Rajam by paying sale consideration and since then he has been in possession and enjoyment of the property with absolute rights. He further submits that respondent No.4 initiated LTR proceedings vide No.TW A1/330/87 dated 29.05.2003 basing on the information issued by the respondent No.5. The petitioner submitted his explanation and also produced the documents specifically stating that the transaction has taken place between two non-tribals in the year 1965 much prior to the TS/AP Scheduled Area Land Transfer regulation Act 1969 amendment regulation and 1970 (brevity 'regulations') and requested to drop the proceedings. He further submits that respondent No.4 without considering the contentions of the petitioner, passed the ejectment order in Case No.TW/A1/330/87 dated 29.05.2003. Hence, aggrieved by the said order the petitioner filed an appeal No.A4/LTR/25/2007 before respondent No.3 with a delay. Respondent No.3 without

considering the averments made in support of the condonation of the delay petition, rejected the appeal on the ground that the appeal is time barred by its order dated 26.10.2007.

4. Learned counsel for the petitioner further submits that aggrieved by the said orders passed by the respondent Nos.3 and 4, the petitioner filed revision petition before respondent No.1 under regulation 6 of A.P.S.A.L.T.R Act 1959 on 06.11.2007, along with a stay petition seeking stay of operation of the orders passed by the respondent Nos.3 and 4. Respondent No.1 granted interim stay in Memo No.7748/LTR-2/2007 dated 20.11.2007 until further orders and the said revision petition is pending till date. He further contended that when the revision petition is pending before respondent No.1, respondent No.5 issued impugned notice vide No.B/28/2018 dated 22.01.2018 directing the petitioner to appear before him on 03.02.2018 and submit the explanation. The learned counsel for the petitioner contended that the respondent No.5 does not

have any authority or jurisdiction to issue impugned notice dated 22.01.2018 when there is a stay granted by respondent No.1 in statutory revision.

5. Having considered the rival submissions made by the respective parties and the records, it appears that respondent No.5 issued impugned notice dated 22.01.2018 when the revision petition filed by the petitioner is pending before respondent No.1 wherein he granted an interim stay of operation of orders passed by the respondent Nos.3 and 4 and said interim stay is continuing till date.

6. In view of the pendency of the statutory revision and also the interim stay granted by the respondent No.1 in the revision petition, without going into the merits of the case, the writ petition is disposed of directing respondent No.1 to dispose of the revision petition filed by the petitioner on 06.11.2007 within a period of four(4) months from the date of receipt of the copy of the order after giving opportunity to the petitioner as well as respondents in the revision petition in accordance with law. Till such time

respondent No.5 shall not take any steps pursuant to the impugned notice No.B/28/2018 dated 22.01.2018.

7. Accordingly, the writ petition is disposed of. No costs.

As a sequel thereto, miscellaneous applications, if any, pending in this writ petition shall stand closed.

JUSTICE J. SREENIVAS RAO

9th February, 2023
PSW

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