

**HON'BLE SRI JUSTICE J. SREENIVAS RAO**

**WRIT PETITION NO.31212 OF 2010**

**ORDER:-**

Heard Sri Kowturu Pavan Kumar, learned counsel for the petitioners and the learned Government Pleader for Social Welfare appearing for the respondent Nos.1 and 2.

1. This writ petition is filed for seeking writ of Mandamus declaring the order passed by the respondent No.1 in LTR Case No.161/07/Chg, dated 19.01.2008, which was furnished to the petitioners on 02.12.2010 as illegal, arbitrary and violative of principles of natural justice and contrary to the earlier proceedings and consequently set aside the said eviction order.

2. Learned counsel for the petitioners submits that the petitioners are owners and possessors of the land to an extent of Ac.1.10 cents and Ac.0.32 cents in Sy.No.225/Ru/K situated at Telijerla Village, Chandrugonda Mandal of Khammam District and the same was purchased by the petitioner No.2 in the year 1961 from one Kalluri Seetharama Chender Rao. While things stood thus, respondent No.1 initiated proceedings against the petitioners under A.P. Scheduled Areas Land Transfer Regulation Act, 1959 r/w Regulation 1/1970.

3. Learned counsel further contended that the respondent No.1 without giving reasonable opportunity to the petitioners passed the impugned order vide LTR Case No.161/07/Chg, dated 19.01.2008

directing the respondent No.2 to take possession of the property from the petitioners and restore the same to the tribal pattadar or to his legal heirs. If the tribal pattadar or legal heirs are not available and not possible to restore the land to them, then take the land into Government custody and assign the same to the landless poor tribals either for agricultural purpose or for house site purpose as per the rules.

4. *Per contra*, the learned Government Pleader submits that in spite of service of notice, the petitioners have not appeared before the respondent No.1 and not submitted explanation by producing documents. The respondent No.1 rightly passed the impugned order.

5. Having considered the rival submissions made by the respective parties and after going through the impugned order, it reveals that respondent No.1 initiated the proceedings exercising the powers conferred under A.P. Schedule Areas Land Transfer Regulation 1 of 1959 r/w 1/1970 basing upon the report submitted by respondent No.2. It further discloses that in spite of service of notices the petitioners have not appeared before respondent No.1. Learned counsel for the petitioners submits that the petitioners are residing at remote village and they are carrying out their livelihood by doing agriculture and they are not well versed the legal proceedings and to give one opportunity to the petitioners to submit the explanation by producing the documents to establish their claim in respect of subject land.

6. Without going into the merits of the case, the impugned order passed by the respondent No.1 is set aside and the matter is remitted

back to the respondent No.1 with a direction to issue notice to the petitioners as well as legal heirs of respondent No.3 and pass appropriate orders in accordance with law by giving reasonable opportunity to the parties concerned within a period of four (4) months from the date of receipt of copy of the Order. Till such time both the parties are directed to maintain *Status Quo* in respect of subject property.

7. Accordingly, the writ petition is disposed of. There shall be no order as to costs.

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

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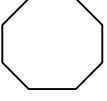
**J.SREENIVAS RAO, J**

31-01-2023.

Skj



**HONOURABLE SRI JUSTICE J. SREENIVAS RAO**



**W.P.No.31212 OF 2010**

**Date : 31-01-2023**

Skj.

