

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTY FIRST DAY OF MARCH,

TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE BILAL NAZKI

WRIT PETITION NO.11239 OF 1995

Between:

S.Radhakrishna Reddy, S/o S.Harinarayana Reddy,

R/o Pidathamamidi, East Godavari District

....Petitioner

A N D

1. The Special Deputy Tahsildar, Gangavaram

East Godavari District.

2. The Deputy Collector, Tribal Welfare,

Rampachowdavaram, East Godavari District.

3. The District Collector-cum-Agent to the Government,

East Godavari District at Kakinada.

....Respondents

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Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus declaring that the proceedings issued in LTRP No.42/93, dated 21-02-1995 of the Deputy Collector, Tribal Welfare, East Godavari District at Rampachowdavaram-2nd respondent as illegal, improper, arbitrary and unenforceable and pass such other order or orders in the circumstances of the case.

Counsel for the petitioner: Sri K.Sesharajyam

Counsel for the respondents: G.P.for Revenue

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The Court made the following O R D E R:

Heard learned counsel for the parties.

It appears that an order was passed against the petitioner on 21-02-1995 by the second respondent-Deputy Collector, Tribal Welfare, Rampachowdavaram, directing the Mandal Revenue Officer to evict the petitioner from the schedule land on the ground that transfer of land had taken place in violation of the Andhra Pradesh Scheduled Areas Land Transfer Regulation I of 1970. The petitioner filed an appeal before the Agent to the Government. While entertaining the appeal, the Agent to the Government had dismissed the application for stay. Therefore, this writ petition was filed and this Court granted stay, which means that the appeal is still pending before the Agent to the Government. Learned counsel for the petitioner submits that the issue is already covered by a judgment of the Supreme Court reported in ***Deputy Collector vs. S.Venkata Ramanaiah***, wherein it was held that Regulation I of 1970 had a prospective enforceability and not retrospective.

Since the appeal is pending before the appellate authority, I deem it proper that the matter be heard by the appellate authority, who may decide the issue before him after hearing the parties, in accordance with law. Till the matter is heard and decided by the appellate authority, stay of eviction shall continue.

The writ petition is accordingly disposed of. No order as to costs.

(Bilal Nazki,J)

31st March, 2005

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To

1. The Special Deputy Tahsildar, Gangavaram
East Godavari District.
2. The Deputy Collector, Tribal Welfare,
Rampachowdavaram, East Godavari District.
3. The District Collector-cum-Agent to the Government,
East Godavari District at Kakinada.
4. Two C.Cs to the Government Pleader for Revenue,
High Court of A.P., Hyderabad (OUT)
5. Two C.D copies.