

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD  
(Special Original Jurisdiction)

THURSDAY, THE TWENTY NINETH DAY OF MAY  
TWO THOUSAND AND EIGHT

PRESENT  
**THE HON'BLE MR JUSTICE L.NARASIMHA REDDY**

**WRIT PETITION NO : 11346 of 2008**

Between:

Sri Bathula Ramaiah, S/o. Agaiah,  
R/o. Gandhibomma Centre, Manuguru Village and Mandal, Khammam  
Dsitric.

**..... PETITIONER**

AND

- 1 The Additional Agent to Governemtn & Project Officer, I.T.D.A.,  
Bhadrachalam, Khammam Dsitric.
- 2 The Special Deputy Collector, Tribal Welfare, Bhadrachalam,  
Khammam District.
- 3 The Tahsildar, Manuguru mandal, Khammam District.

**.....RESPONDENT(S)**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ direction preferably writ of Mandamus declaring the action of the 1st respondent in not passing appropriate order either on the stay petition or on the appeal itself filed on 2-4-2008 against the order of 2nd respondent dt. 12-10-2007 in LTR.Case No.2/2005/MGR as illegal, arbitrary adn violative of principles of natural justice and consequently direct the 1st respondent to consider and dispose of the stay petition or the appeal itself within a reasonable time and further direct the respondents or their subordinate staff not to dispossess me from possession and enjoyment of the property in Sy. No. 138/1466/1 VU measuring an extent of Acs. 1-10 gts situated at Manuguru Village, and mandal of Khamma dsit., pending disposal of the appeal on the file of the 1st respondent, and pass

**Counsel for the Petitioner:MR.KOWTURU VINAYA KUMAR**

**Counsel for the Respondent No.: GP FOR REVENUE**

**The Court made the following :**

**THE HON'BLE MR JUSTICE L.NARASIMHA REDDY**

**WRIT PETITION NO : 11346 of 2008**

**ORDER:**

The second respondent initiated proceedings against the petitioner under A.P. Scheduled Areas Land Transfer Regulation 1959, and passed an order dated 12.10.2007 directing eviction of the petitioner from the land in Sy.No.138/1466/1 VU of Manuguru village admeasuring Ac.1.10 guntas. The petitioner preferred an appeal before the first respondent together with an application for stay. His grievance is that even while the appeal and application for stay are pending, the third respondent is trying to dispossess him.

Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare.

The first respondent is conferred with the power of an appellate authority and he is empowered to pass interim orders also. If during the pendency of application for stay, the petitioner is dispossessed from the land in question on the basis of the order passed by the second respondent, the appeal as well as the application for stay would become infructuous.

Hence, the writ petition is disposed of directing that till the first respondent passes orders on the application for stay filed by the petitioner in the appeal filed against the order dated 12.10.2007 passed by the second respondent, the petitioner shall not be dispossessed from the land in question. No order as to costs.

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REDDY,J

L.NARASIMHA

Date:29.05.2008

Ccm/nsr