

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

FRIDAY, THE THIRTIETH DAY OF JANUARY  
TWO THOUSAND AND NINE

PRESENT  
**THE HON'BLE SRI JUSTICE C.V.RAMULU**  
**WRIT PETITION No.1358 of 2009**

Between:

P.Krishna Murthy S/o.Janardana Rao  
R/o.Plot No.42, Kakitiyanagar,  
Mehedipatnam, Hyderabad

**..... PETITIONER**

AND

- 1 The Additional Agent to the Government, Rampachodavaram,  
East Godavari District
- 2 The Special Deputy Collector, Tribal Welfare,  
Rampachodavaram, East Godavari District
- 3 The Tahsildar, Devipatnam, East Godavari District
- 4 The Special Deputy Tahsildar (Tribal Welfare), Devipatnam,  
East Godavari District
- 5 The Government of Andhra Pradesh,  
rep. by its Principal Secretary, Social Welfare (LTR-1)  
Department, Secretariat, Hyderabad

**.....RESPONDENTS**

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 appropriate writ or order or direction more particularly one in the nature of writ of Mandamus declaring action of the respondents in dispossessing the petitioner from his lands to an extent of Ac.12.48 cents in Sy.No.83/1 and 83/2 of Indukurupeta village, Devipatnam Mandal, East Godavari District, in pursuance of the order passed by the 1st respondent in CMA.No.88/2005 dated 15.1.2009, as illegal, arbitrary, unjust, and consequently direct the respondents not to dispossess the petitioner from the above mentioned land pending disposal of the revision filed before the 5<sup>th</sup> respondent in the interest of

justice.

**Counsel for the Petitioner: MR.K.VENKATESH**

**Counsel for the Respondents: GP FOR SOCIAL WELFARE**

**The Court made the following:**

**THE HONOURABLE SRI JUSTICE C.V. RAMULU**

**WRIT PETITION No.1358 OF 2009**

**ORDER:**

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

According to the petitioner, he is the owner and possessor of the lands in a total extent of Ac.12.48 cents in Sy.Nos.83/1 and 83/2 situated at Indukurupeta Village, Devipatnam Mandal of East Godavari District. It is his case that the 4<sup>th</sup> respondent- Special Deputy Tahsildar (T.W.), Devipatnam, East Godavari District, filed L.T.R.P.No.124 of 2004 before the 2<sup>nd</sup> respondent- Special Deputy Collector (T.W.), Rampachodavaram, East Godavari District, stating that the occupation of said lands by the petitioner is in contravention of Sub-Section (1) of Section 3 of the Andhra Pradesh Scheduled Areas Land Transfer Regulations 1959 as amended by Regulation 1 of 1970, and, therefore, he prayed to restore the said lands to the Government by evicting the petitioner therefrom. The said petition was dismissed by the 2<sup>nd</sup> respondent on 02.11.2004. Aggrieved thereby, the 4<sup>th</sup> respondent filed C.M.A.No.88 of 2005 before the 1<sup>st</sup> respondent- Additional Agent to Government, Rampachodavaram, and the 1<sup>st</sup> respondent, by order dated 15.01.2009, set aside the order of the 2<sup>nd</sup> respondent and directed the 3<sup>rd</sup> respondent- Tahsildar, Devipatnam Mandal, to evict the petitioner from the lands in question and restore them to the Government for

assigning the same to eligible tribals. The petitioner contends that, challenging the said order dated 15.01.2009 passed by the 1<sup>st</sup> respondent, he preferred a revision before the 5<sup>th</sup> respondent-Government, along with a stay petition, on 24.01.2009, and since no orders are passed till date on the stay petition, the 3<sup>rd</sup> and 4<sup>th</sup> respondents are trying to take possession of the lands in question. Hence, this writ petition seeking directions to the respondents not to dispossess the petitioner from the lands in question pending disposal of the revision preferred by him before the 5<sup>th</sup> respondent.

In the facts and circumstances of the case, the 5<sup>th</sup> respondent-Government is directed to dispose of the revision filed by the petitioner within a period of six weeks from the date of receipt of a copy of this order. It is further directed that till the disposal of the said revision, the order dated 15.01.2009 passed by the 1<sup>st</sup> respondent in C.M.A.No.88 of 2005 shall not be given effect to.

With the above directions, the writ petition is disposed of. No order as to costs.

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**JUSTICE C.V. RAMULU**

30<sup>th</sup> January, 2009.  
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