
(2000) 12 AP CK 0004

In the Andhra Pradesh High Court

Case No : Writ Appeal No. 1584 of 1998

Banderu Seethamma

APPELLANT

Vs

District Collector and Another

RESPONDENT

Date of Decision : 21-12-2000

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2001) 2 ALT 4

Hon'ble Judges : Satyabrata Sinha, C.J;B. Subhashan Reddy, J

Bench : Division Bench

Advocate : P.R.K. Amarendra Kumar, for the Appellant; Govt. Pleader for Social Welfare, for the Respondent

Judgement

Satyabrata Sinha, C.J.—This appeal is directed against the judgment dated 4th September, 1998 passed by a learned Single Judge of this Court in W.P.No: 24992/98 whereby and whereunder the writ application filed by the petitioner was dismissed holding:

"The petitioner claims to be in actual possession and enjoyment of the land situated in R.S. Nos. 20/2B, 20/3, 21/1 of an extent of Acs. 1-88 cents of Jainavarigudem village, Buttaigudem Mandal. According to the petitioner, the respondent-Revenue Authorities highhandedly interfered with the petitioner's possession and enjoyment of the aforementioned lands. If this petitioner is the owner and occupier of the lands in question and if the respondent-revenue authorities without any right or interest interfere with the petitioner's properties, it is open to the petitioner to invoke private law review against the respondents by instituting suit in the jurisdictional agency Court. It is repeatedly said by the Courts that a petition under Article 226 of the Constitution cannot be converted into a suit for a bare injunction. In that view of the matter, I am not inclined to entertain the writ petition. However, the learned Counsel for the petitioner would submit that there is imminent threat from respondents 1 and 2 to dispossess the petitioner from the lands in question. In that view of the matter, I dispose of the

writ petition directing the respondents to maintain status quo obtaining as on today in all respects regarding possession for a period of one month. In the mean while, it is open to the petitioner to institute a suit in the jurisdictional agency Court."

2. Learned Counsel appearing on behalf of the appellant raised a short question in support of this appeal drawing our attention to an order dated 15th April, 1997 passed by the Special Deputy Collector, Tribal Welfare in S.R. Nos. 223 and 224 of 1996. It has categorically held in the said order that the transactions as regards the petitioner-appellant's land are not covered by A.P. (Scheduled Areas) Land Transfer Regulation Act, 1959 (Regulation Act 1 of 1959). The said order attained finality. In this view of the matter, the respondents cannot be permitted to take law in their own hands and disturb and possession of the petitioner-appellant. We, however, make it clear that if the notice of the competent authorities is drawn to any subsequent transaction after the aforementioned date being 15-4-97 they would be entitled to initiate an appropriate proceeding in this regard. We, therefore, are of the opinion that the impugned order passed by the learned Single Judge cannot be sustained. It is set aside accordingly and the appeal and the writ application are disposed of with a direction that the respondents shall not interfere with the possession of the petitioner-appellant in relation to her land situated in R.S. Nos. 20/2B, 20/3, 21/1 in an extent of Acs. 1-88 cents of Jainavarigudem village, Buttaigudem Mandal.