

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 14515 of 2011

ORDER:

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Heard learned counsel for the petitioner and Government Pleader for Revenue. With the consent of both the parties the writ petition is heard at the admission stage itself.

The present writ petition came to be filed, seeking issuance of a writ of mandamus declaring the proceedings No. B/355/2010 dated 26.04.2011 issued by the third respondent, as illegal, null and void and against the principles of natural justice; and consequently set aside the same.

The petitioner herein claims to be the owner and possessor of the land admeasuring Ac.1.55 gts., situated in Sy.No.613 of Bhimaram shivar, Jaipur Mandal, Adilabad District. He acquired the said property through registered gift deed No. 8743 of 2007 executed by the fourth respondent. Since then, the petitioner is in peaceful possession and enjoyment of the same, his name also recorded in the revenue records and the third respondent also issued pattadar pass books in his favour. It is stated that fourth respondent and her husband started creating problems to the petitioner and his family members. At the instance of the husband of the fourth respondent, she filed appeal No. G/2404/2010 before the second respondent and the same is pending trial. On 20.04.2011 at about 5.30 p.m. while the petitioner was doing leveling work through tractor in the above said land, one Tagaram Mondhi and Rodda Srinu came to the land and threatened him. Immediately on 21.04.2011 the petitioner lodged a report with Sub-Inspector of Police, Jaipur Police Station and copy of the same was also submitted to the third respondent for taking necessary action. It is stated that after filing counter, no interim order was passed by the second respondent and the

appeal is pending consideration. The third respondent without issuing any notice to the petitioner issued impugned proceeding No. D/355/2010 dated 26.04.2011 directing the Village Revenue Officer, Bhimaram to take land into government custody and keep one village servant for safeguarding the disputed place to avoid any problems and to report compliance immediately. Questioning the said proceedings, the present writ petition came to be filed.

Learned counsel for the petitioner submits that the third respondent has no jurisdiction to pass an order prohibiting both the parties from entering into the land admeasuring Ac.1.55 gts., situated in Sy.No.613 of Bhimaram Shivar Village, Jaipur Mandal, Adilabad District. According to him, the petitioner is in possession of the land and that the third respondent ought to have disposed of the appeal instead of passing the impugned order.

No counter is filed on behalf of the respondent, but however the learned Government Pleader on instructions submits that the appeal filed by the fourth respondent is still pending and the order impugned came to be passed till the disposal of the appeal only.

In any event both the counsels submit that a suitable direction may be given to the second respondent to dispose of the appeal and status-quo be maintained in respect of the property in dispute is concerned till disposal of the appeal.

Without going into the merits of the case and having regard to the circumstances stated above, the writ petition is disposed of directing the second respondent to dispose of the appeal bearing No. G/2404/2010 within a period of four (04) weeks from the date of receipt a copy of this order, in accordance with law and if the petitioner is in possession of the land which is subject matter of dispute in the present writ petition, no coercive steps shall be taken for a period of six (06) weeks from today or till the disposal of the appeal whichever is earlier. No order as to

costs.

Consequently, miscellaneous petitions, if any, pending in this Writ
Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

21.08.2015

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