

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA
PRADESH

* * *

WRIT PETITION No. 23918 of 2015

BETWEEN

Sabavath Raju and others

... PETITIONERS

AND

The State of Telangana, rep. by its Principal Secretary,
Revenue Department and others

...RESPONDENTS

Date of Order pronounced: 31.07.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? | Yes/No |
| 3. Whether his Lordship wish to see the
fair copy of the Judgment? | Yes/No |

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ORDER:-

Heard.

2. Petitioners questions the notice issued under Section 7 of the Land Encroachment Act, 1905 by the Deputy Collector and Tahsildar, third respondent, as the said notice was issued during the pendency of the Occupancy Rights Certificate (ORC) Case No.J/2818/2013 before the Revenue Divisional Officer at Saroornagar. Learned counsel therefore contends that as long as the proceedings for grant of ORC are not adjudicated and decided, the land cannot be treated as Government land and thereby the notice under Section 7 cannot be issued.

3. I have seen the proceedings before the RDO which show that an application for grant of ORC was made by another applicant and after noticing that petitioners are in possession, the RDO gave notice to the occupiers and thereby the present petitioner is stated to have filed objections and the said proceedings are stated to be pending with the RDO. As on today, it is evident that petitioners have not made any application for grant of ORC and they are only opposing the application made by the owner. No doubt as and when the ORC is granted, such Certificate holder will be declared as owner of the land, but since those proceedings are not yet adjudicated, as on today, the land vests with the State and the action taken by the third respondent on that ground cannot be interdicted.

4. Learned Government Pleader, on instructions, states that the third respondent has received petitioner's explanation dated 03.07.2015 and after examining the same, he would pass appropriate orders.

Hence the writ petition is disposed of directing the third respondent to consider petitioner's explanation and pass a reasoned order after giving notice to the petitioners. Till passing of appropriate order, petitioners shall not be evicted or dispossessed. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

July 31, 2015
LMV

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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WRIT PETITION No. 23918 of 2015

July 31, 2015

LMV