

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No. 4705 of 2015

DATE: 26.02.2015

Between:

Md. Mazid Khan
and three others

.. Petitioners

And

1. The State of Telangana
2. The Addl. Agent to Government and Project Officer
3. The Special Dy. Collector
4. The Tahsildar
5. The Duguni Babu .. Resp

.. Respondents

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ORDER:-

The petitioners claim to be absolute owners and possessors of the land admeasuring Ac.0.02 guntas in Sy.No.9/A situated in Akulavaarighanapur village, Eturunagaram Mandal, Warangal District wherein they constructed small houses and carrying on agricultural operations and the 4th respondent-Tahsildar issued pahanies in their favour and also incorporated their names in the revenue records. While so, it is stated that on 07.10.2013, the 5th respondent made a false complaint to 3rd respondent-Special Deputy Collector against the petitioners stating that non-tribals have occupied his land, and the 3rd respondent issued proceedings dated 29.09.2014, ordering ejectment of the petitioners from the land in question and restoration of the property to tribal cultivator / his legal heirs. Challenging the proceedings, the petitioners, on 20.01.2015, preferred an appeal before the 2nd respondent - Additional Agent to Government and Project Officer along with an application seeking suspension of the orders of the 3rd respondent. Now, the petitioners' grievance is that the 2nd respondent has neither disposed of the appeal nor passed any orders on the application for suspension of the orders of the 3rd respondent, and more so, the respondents are threatening to dispossess the petitioners from their lands.

Hence, the present writ petition is filed seeking appropriate directions.

Heard the learned counsel for both the parties and perused the material placed on record.

Considering the fact that the appeal said to have been filed by the petitioners on 20.01.2015 along with the application seeking suspension of the orders of the 3rd respondent is pending adjudication and in view of the facts and circumstances of the case, this Court, without expressing any opinion on the merits of the matter, deems it appropriate to dispose of the writ petition with the following directions:

“The 2nd respondent - Additional Agent to Government and Project Officer is directed to consider and pass orders on the application filed for suspension of the orders of the 3rd respondent, within a period of eight weeks from today. Till such time as the application seeking suspension of orders is disposed of, the petitioners shall not be dispossessed from their lands in question, if they are not already dispossessed by following the due process of law.”

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

As a sequel to the disposal of the writ petition, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

CHALLA KODANDA RAM,

J

26.02.2015

bcj