

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.5200 of 2015

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Between:

1. Avirineni Srikanth and another

PETITIONERS

AND

1. The State of Telangana, rep. by its Principal Secretary,
Scheduled Caste Development Department, Tribal Welfare
(LTR), Secretariat, Hyderabad, and others.

RESPONDENTS

ORDER:

This writ petition is filed seeking the following relief:

“to issue a writ or direction preferably writ of mandamus declaring the action of the 1st respondent in not passing appropriate orders either on the stay petition or on the revision itself filed on 30-01-2015 against the Order of the 2nd respondent dated 28-09-2013 in CMA No. 247/2007 confirming the order of the 3rd respondent in Case No. 75/99/KGM dated 11-02-2005 as illegal, arbitrary and violative of principles of natural justice and consequently direct the 1st respondent to consider and dispose of the stay petition or the revision itself within a reasonable time and further direct the respondents or their subordinate staff not to dispossess the petitioners from land in Sy.No.54/2/E to an extent of Acs.0-32 gts consisting of our house properties situated at Chatakonda village of Kothagudem Mandal, Khammam District., pending disposal of the revision on the file of the 1st respondent, and pass any other order this Hon'ble Court may deem fit in the interest of Justice.”

The petitioners state that their grand father was in possession of the land in Sy.No.54/2/E admeasuring Ac.0.32 gts., situated at Chatakonda village of Kothagudem Mandal, Khammam District. On a report of the Special Deputy Tahsildar (TW), Bhadrachalam dated 01.02.1999, the 3rd respondent passed eviction order dated 11.02.2005 directing the 4th respondent to eject their grandfather from the possession of the schedule property. Aggrieved by the same, their grandfather preferred an appeal C.M.A.No.247 of 2007 before the 2nd respondent, who took cognizance of the case and reserved for orders on 22.12.2007. Pending CMA, their grand father died on 24.09.2011. The 2nd respondent passed final order dated 28.09.2013 directing the 4th respondent to evict their grand father from the land by conducting panchanama. By the time the 2nd respondent passed orders they

succeeded the property and they are in peaceful possession and enjoyment of the said land. The main grievance of the petitioners is that though the revision petition is filed on 30.01.2015 along with an application seeking stay of the order dated 28.09.2013 no orders have been passed so far. It is their case that no eviction as such has been carried out pursuant to the order dated 28.09.2013 and as on today they are in possession of the land, and in case they are dispossessed pending disposal of the revision, they will be put to grave loss and injustice. Hence the present writ petition.

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Social Welfare (T.G).

Considering the fact that the petitioners have already filed revision and the same is pending before the 1st respondent, the ends of justice would be met if a direction is issued to the 1st respondent to consider and pass appropriate orders either on the stay application or on the main revision itself within a period of eight weeks from today. Till the 1st respondent passes appropriate orders, status quo obtaining as on today with regard to the petitioners' possession, shall be maintained.

With the above directions, the writ petition is disposed of. No costs. As a sequel, miscellaneous petitions, if any, shall stand closed.

CHALLA KODANDA RAM, J.

4th March, 2015
Js.