

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

TUESDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FIFTEEN
PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.18328 of 2015

BETWEEN

Nelavelli Narasimha Rao.

... PETITIONER

AND

State of Telangana, rep by its Principal Secretary for Revenue, Secretariat,
Hyderabad and two others.

...RESPONDENTS

Counsel for the Petitioner: MR. PULLA RAO YELLANKI

Counsel for the Respondents: GP FOR REVENUE (TG)

The Court made the following:

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ORDER:

Petitioner sought to execute the award passed in LAOP.No.931 of
2008 by filing EP.No.5 of 2014 before the Principal District Judge,

Khammam. Aggrieved thereby, the respondents have filed land acquisition appeal, being LAAS.No.161 of 2014 before this Court, against judgment and decree in LAOP.No.931 of 2008 and obtained conditional stay of the execution proceedings in EP. It is alleged that the respondents have not complied with the condition and thereby, the stay is not operative. Hence, the present writ petition is filed complaining of non-payment of the amount covered by the order in OP.

2. It is evident from the above that the Division Bench is already seized of the appeal and had granted conditional stay of the EP. Therefore, it is open for the petitioner to bring it to the notice of the Division Bench that the conditional order is not complied with and seek appropriate directions. When the Division Bench is seized of the matter, as above, fresh writ petition, as is presently filed, cannot be entertained, as the matter is subjudice before the Division Bench.

Hence, with a liberty to the petitioner to take appropriate steps before the Division Bench, the writ petition is disposed of.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

June 23, 2015
DSK