

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

PRADESH
(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF JULY
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.22074 of 2015

BETWEEN

Mohd. Jaffer

... PETITIONERS

AND

The State of Telangana, Rep. by its Principal Secretary (Department of Revenue), A.P. Secretariat Building, Hyderabad and others.

...RESPONDENTS

The Court made the following:

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ORDER:-

Heard.

2. Petitioner herein suffered an order under Section 6 of the Land Encroachment Act, 2005 passed by the Tahsidlar, respondent No.4, vide proceedings No.C/344/2012, dated 05.02.2015, which has been further confirmed by the Revenue Divisional Officer, respondent No.3, vide proceedings No.B/500/2014 dated 27.06.2015. Aggrieved by the same, petitioner has preferred a revision from 13.07.2015 before the Collector, respondent No.2, which is stated to have been made over to the Joint

Collector, Hyderabad District. Petitioner states that through out the pendency of the proceedings before the appellate court, the order of eviction passed under Section 6 of the Act was stayed initially by this court in W.P.No.3640 of 2014 dated 10.02.2014 and pending of the appeal, the Joint Collector has granted stay by order, dated 25.02.2014, and the said stay order continued pending the appeal. Petitioner states that because the revision petition is filed on 13.07.2015 along with the stay petition and since the Joint Collector is yet to take up the said revision and the stay petition, respondent No.4 is attempting to execute the orders of eviction notwithstanding the pendency of the said revision. Hence, the present writ petition.

3. I find justification in the request of the petitioner inasmuch as his eviction is required to be stayed failing which the revision petition would become infructuous and nothing would remain to be decided by the revisional authority. Moreover, the order of eviction continued to remain under stay pending the appeal as noted above. Hence, it is for the Joint Collector to consider petitioner's revision along with the stay petition and take appropriate decision at least to the extent of passing orders in the stay petition. In order to protect the petitioner in the interregnum, therefore, the order of the Tahsildar shall remain stayed till 27.07.2015 and within that time, the Joint Collector shall fix a date for hearing of the revision and pass appropriate orders at least to the extent of stay petition herein.

With the above direction, 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

July 16, 2015

Note:

**Communicate a copy of this order to
The Joint Collector, Hyderabad.**

**{B/o}
LMV**