

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

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WRIT PETITION No.25078 OF 2015

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Between:

Marri Sumalata and another.

.. Petitioners

And

The Commissioner of Appeals and others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 11-08-2015

SUBMITTED FOR APPROVAL:

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

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

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.25078 of 2015

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ORDER:

Heard the learned counsel for the petitioners, learned Government Pleader for Revenue and Sri M.Ganga Rao, learned counsel appearing for respondents 5 and 6.

The petitioners grievance is that the 2nd respondent cancelled the assignment made in their favour vide Proceedings No.D.Dis/E2/1281/2015, dated 05-06-2015, primarily on the ground that the petitioners were found ineligible for grant of assignment inasmuch as one of the petitioner's husband was working as a School Teacher whereas the other assignee's husband was found holding the land admeasuring Ac.4-53 cents. It is also stated that the land in question is being used as Rastha and Burial Ground. Hence, after due enquiry, the assignment in favour of the petitioners was cancelled by the 2nd respondent. Aggrieved thereby, the petitioners preferred an appeal before the 1st respondent and the 1st respondent while admitting the appeal on 21-07-2015 rejected the stay application. To the extent of rejection of stay application, the petitioners filed the present writ petition.

Learned counsel for the petitioners states that the 1st respondent has already received the records and the petitioners agreed to argue the appeal on the date fixed by the 1st respondent. It is further stated that there are standing crops in the land in question.

Learned Government Pleader as well as Sri M.Ganga Rao opposed the writ petition on the ground that the petitioners are obstructing rastha and

burial ground, for which the land is being used.

In view of the above conflicting stand, at this stage, it is not appropriate to record any finding in view of pendency of appeal before the 1st respondent. The 2nd respondent passed order on 05-06-2015 and the 1st respondent while admitting the appeal declined to grant stay on 21-07-2015.

Since sufficient time has already elapsed from the date of order of cancellation of assignment passed by the 2nd respondent, let the status-quo existing as on today, with regard to the land in question, be maintained by the petitioners as well as respondents, as the petitioners state that standing crops are existing in the land in question. The 1st respondent is requested to fix an early date of hearing of the appeal and hear and decide the appeal itself, after hearing both sides expeditiously, preferably within four weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of accordingly.
No costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 11-08-2015

Prv

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.25078 of 2015

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11-08-2015

Prv