

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

THURSDAY, THE TWENTY FIFTH DAY OF JUNE
TWO THOUSAND AND FIFTEEN
PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.18525 of 2015

BETWEEN

P. Atchaiah Babu.

... PETITIONER

AND

The Andhra Pradesh Housing Board, Rep. by its Vice Chairman,
Gruhakalpa, Hyderabad and two others.

...RESPONDENTS

Counsel for the Petitioner: M/S. BHARADWAJ ASSOCIATES

**Counsel for the Respondents: MR. D. RANGANATH KUMAR
SC FOR APHB**

The Court made the following:

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ORDER:

The order of the competent authority under Section 52 of the A.P.

Housing Board Act, 1956 (for short 'the Act') dated 30.05.2015 is questioned in this writ petition.

2. Mr. Vedula Venkataramana, Learned senior counsel for the petitioner, states that since the issue involved in the said proceedings before the competent authority is interlinked with WP.No.14113 of 2004, pending before this Court, the present writ petition may be entertained so that both the writ petitions can be heard together.

3. I have heard learned senior counsel for the petitioner and learned standing counsel for the respondents.

4. I, however, find that the scope of the writ petition i.e. WP.No.14113 of 2004 is with regard to cancellation of allotment made by the housing board in favour of the petitioner on payment of market value whereas the issue involved in the present writ petition is the validity of the order of the competent authority treating the petitioner's possession as that of an unauthorized occupant of the plot and initiating eviction proceedings under Sections 52 and 53 of the Act. The scope of the earlier writ petition and the present writ petition being different, I am unable to accept the contention of the learned senior counsel for the petitioner. Secondly, the said order of eviction passed by the competent authority can as well be questioned by the petitioner in a regular appeal under Section 55 of the Act by approaching the Chief Judge, City Civil Court, Hyderabad and the learned Chief Judge has ample powers to grant appropriate interim relief also to the petitioner. Hence, I am not inclined to entertain the writ petition. However, to enable the petitioner to move the appellate authority and take appropriate interim protection, all further proceedings in pursuance of the impugned order shall remain stayed till 01.07.2015, within which time the petitioner is at liberty to move the appellate authority and seek appropriate orders.

The writ petition is dismissed. As a sequel, the miscellaneous

applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

June 25, 2015
DSK