

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.11747 of 2015

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Between:

Mohd. Mohsin Quaraishi

PETITIONER

AND

1. State of Telangana, (Revenue Department), rep. by its Principal Secretary,
Secretariat, Hyderabad, and others.

RESPONDENTS

ORDER:

The petitioner claims to be the absolute owner and possessor of the premises bearing No.8-3-166/C/6, B K Guda Village Ameerpet Mandal, Hyderabad, having purchased the same through registered sale deed dated 21.02.2009 bearing document No.276/2009. After purchasing the same, the petitioner with a view to construct a new building in the place of the old structures, approached the respondents seeking No Objection Certificate as per the procedure, and after

obtaining orders from this Court, he applied for building permission and the 3rd respondent vide permit No.30180/ZC/CZ/Cir-10/2013 dated 12.12.2013 granted permission for construction. While so, when the 4th respondent started interfering with the possession and enjoyment of the petitioner he approached this Court and obtained orders in W.P.No.3213 of 2011 dated 11.12.2012. When the 4th respondent once again issued notice without considering his representation, the petitioner filed W.P.No.21090 of 2013, which was allowed on 19.07.2013 setting aside the notice issued under Section 6 of the Land Encroachment Act (for short 'the Act') directing the 4th respondent herein to consider the objections raised by the petitioner. Once again the 4th respondent issued notice under Section 7 of the Act dated 24.10.2013, and without considering his objections dated 11.11.2013 passed eviction orders, which were served to the petitioner on 6.03.2014, directing him to vacate the subject property within 30 days. Challenging the said eviction proceedings, the petitioner filed W.P.10452 of 2014 and on dismissal of the same he filed W.A.No.686 of 2014, which was disposed of by a Division Bench of this Court setting aside the findings of the learned single judge and permitting the petitioner to file appeal under the statute.

The main grievance of the petitioner is that though he preferred the appeal as long back as on 15.05.2014 before the 2nd respondent along with an application for stay, so far no orders have been passed either in the stay petition or in the appeal. Hence he approached this Court by filing the present writ petition.

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Revenue (Telangana) for respondents.

When the matter came up for admission on 22.04.2015, the learned Assistant Government Pleader was directed to get instructions. Today the learned Assistant Government Pleader placed a copy of instructions received from the Tahsildar, Ameerpet Mandal, dated 22.04.2015 before this Court.

Now it is submitted by the learned counsel for the petitioner as well as the learned Assistant Government Pleader for Revenue that the appeal has been heard and reserved for orders on 24.01.2015.

In the considered opinion of this Court, keeping the matter pending without passing any orders is not sustainable. There is always every possibility of the

authority hearing the appeal to lose sight of both the facts and law as submitted by the respective parties. In view of the same, the 2nd respondent is directed to pass final orders in accordance with law as expeditiously as possible, preferably within a period of three weeks from the date of receipt of a copy of this order.

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

CHALLA KODANDA RAM, J.

1st May, 2015

Js.