

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No:38704 OF 2016

ORDER:

1. The present writ petition is filed by the petitioners under Article 226 of the Constitution of India, seeking to declare the order dated 3.9.2016 passed in I.A.No.57 of 2016 in CMA No.35 of 2016 passed by the 2nd respondent as illegal and arbitrary and consequently, to suspend the operation of the order dated 20.2.2016 in Land Transfer Regulation Case No.6/2015/Kmpl passed by the 3rd respondent pending disposal of the above CMA.

2. Heard and perused the material available on record.

3. It is the case of the petitioners that they have been in possession of the subject land since 1960. While so, on the petition filed by the 3rd respondent claiming ownership over the said land, a show cause notice was issued to the petitioners, for which they gave reply. After conducting enquiry, the 3rd respondent passed order dated 20.2.2016 directing ejectment of the petitioners from the land of Ac.3.30 guntas in Sy.No.213/1 situated at Utukuru village, Kamepalli Mandal. Challenging the said order, the petitioners filed appeal before the 2nd respondent along with delay condone application and also with an application seeking to suspend the operation of the order of the 3rd respondent. But no stay was granted. Hence, the petitioners filed W.P.No.18274 of 2016 and the same was disposed of directing the 2nd respondent to pass orders on the delay petition and stay petition while granting status quo till such orders are passed by the 2nd respondent. The 2nd respondent refused to grant stay. Hence, the petitioners filed this writ petition.

4. Admittedly, the appeal filed by the petitioners viz., CMA No.35 of 2016 is pending before the 2nd respondent. Considering the facts and circumstances of the case and the grievance of the petitioners, without expressing any opinion on merits, the Writ Petition is disposed of with the following directions:

“The authorities concerned are directed not to interfere with the possession of the petitioners over the land in Ac.3.30 guntas in Sy.No.213/1 situated at Utukuru village of Kamepalli Mandal, till disposal of CMA No.35 of 2016 pending on the file of the 2nd respondent. Till then, the operation of the order dated 20.2.2016 passed by the 3rd respondent is suspended.”

No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 10th November, 2016
Nn.

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No:38704 OF 2016



10/11/2016

Nn.