

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.46528 OF 2016

ORDER:

1. This writ petition is filed under Article 226 of the Constitution of India seeking to declare the action of respondent Nos.1 and 2 in taking steps to take possession of the petitioner's property bearing Door No.13-120/8/A admeasuring 1,089 sq. feet covered by Sy.Nos.1092 and 1094 situated at Bitchkonda Village and Mandal, Nizamabad District, pending disposal of the interlocutory application filed by the petitioner in O.A.No.45 of 2016 for setting aside the *ex parte* order, dated 19.9.2016, in O.A.No.45 of 2016 as illegal and arbitrary.

2. It is stated in the affidavit that the petitioner purchased the above property by a registered sale deed dated 10.7.1996 from one Siddamsetti Narayana, by paying valid sale consideration, and constructed a house and he is residing therein. While so, respondent Nos.1 and 2 herein filed O.A.No.45 of 2016 before the Telangana Endowments Tribunal at Hyderabad against the petitioner herein seeking a direction to the petitioner to remove the encroachment and to deliver the vacant physical possession to respondent No.2 herein. As the petitioner herein remained *ex parte*, the aforementioned O.A. was allowed with costs. So, the petitioner filed an interlocutory application for setting aside the *ex parte* order, dated 19.9.2016, in O.A.No.45 of 2016, but without disposing of said application, respondent Nos.1 and 2 herein are taking steps to take possession of the property from the petitioner.

3. Heard and perused the material available on record.

4. Considering the facts and circumstances of the case and the grievance of the petitioner, the Telangana Endowments Tribunal, Hyderabad is hereby directed to dispose of the interlocutory application filed by the petitioner in O.A.No.45 of 2016 as expeditiously as possible, preferably, within a period of three (3) months from the date of receipt of a copy of this order. Till then, respondent Nos.1 and 2 are directed not to take any steps for taking possession of the property in question from the petitioner.

5. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

Dated: 30.12.2016
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JUSTICE RAJA ELANGO

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30.12.2016

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