

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.43060 OF 2016

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue appearing for respondents. With their consent, the present writ petition is disposed of at the admission stage.

2. The present writ petition came to be filed with the following prayer:

“...to issue appropriate Writ, direction, or order more particularly one in the nature of Writ of Mandamus or any other Writ or order/direction, directing the Respondent No.4 to adjudicate upon the proceedings in RC 157 of 2016 on the file of Tahsildar, Aswaraopet i.e., Respondent No.4 and not coerce them to vacate the land, which is having houses bearing D.Nos.7-15/A to 7-15/E in Sy.No.1228/43 situated at Perayagudem Panchayat, Aswaraopet Village and Mandal, Kottagudem District.”

3. Though various grounds are raised in the writ petition, learned counsel for the petitioners restricts his prayer seeking a direction to the 4th respondent – Tahsildar, for adjudicating the proceedings initiated vide RC 157 of 2016 on the file of Tahsildar, Aswaraopet i.e., Respondent No.4, in respect of the houses bearing D.Nos.7-15/A to 7-15/E in Sy.No.1228/43 situated at Perayagudem Panchayat, Aswaraopet Village and Mandal, Kottagudem District, at the earliest.

4. Learned Government Pleader for Revenue would submit that he has no objection for the same, however, he submits that petitioners may be directed not to raise any constructions in the land referred to above.

5. The material placed on record would show that earlier the petitioner filed W.P.No.9134 of 2016. By an order dated 23.03.2016 this Court disposed of the said writ petition directing the respondents to follow due process of law before interfering with the possession and enjoyment of the petitioners' subject property. Pursuant thereto, notices came to be issued vide RC No.157 of 2016 for adjudication of the proceedings. The petitioners claim to have submitted their explanation. But, without completing the adjudication process, the respondent authorities are now trying to interfere with the possession of the petitioners over the subject property.

6. Having regard to the above circumstances, the Writ Petition is disposed of directing the 4th respondent to dispose of the proceedings in RC No.157 of 2016 as early as possible preferably within a period of three (03) months from the date of receipt of a copy of this order. Till such time, respondents shall not interfere with the possession of the petitioners over the property in dispute. It is further to be noted that the petitioners shall not raise any construction in the said land.

Consequently, Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

Date:13.12.2016
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