

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.961 of 2016

Date:07.01.2016

Between:

Ramidi Raja Reddy,
S/o Narayana Reddy
and another.

..... Petitioners

And:

The State of Telangana., repled, by its
Principal Secretary, Department of
Revenue, Hyderabad and three others.

.....Respondents

Counsel for the Petitioners: Mr. T.Venkat Raju Goud

For Mr. T.Ajay Kumar Goud

Counsel for Respondent No.1: AGP for Revenue (TS)

The Court made the following:

ORDER:

The petitioners, who claim to be the children of the protected tenant, filed this Writ Petition feeling aggrieved by issue of draft layout to respondent Nos.3 and 4 by respondent No.2.

Admittedly, so far, the claim of the petitioners for grant of Occupancy Rights Certificate (ORC) has not been allowed by the competent authority. On the contrary, the order rejecting their claim by the primary authority is the subject matter of appeal before the Joint Collector. Even the partition suit filed by the petitioners against respondent Nos.3 and 4 appears to be pending

and no order restraining respondent Nos.3 and 4 from enjoying the property has been secured by the former. In the absence of any order passed by the competent authority/Court, either declaring the petitioners' rights or restraining respondent Nos.3 and 4 from enjoying the property, respondent No.2 is not precluded from considering the application of respondent Nos.3 and 4 for issue of draft layout. Therefore, I am not inclined to interfere with the impugned proceedings releasing the draft layout in favour of respondent Nos.3 and 4. The petitioners are entitled to pursue the legal proceedings already initiated by them for grant of ORC and assert their rights over the property depending upon the result of such legal proceedings.

Subject to the above observations, the Writ Petition is dismissed.

As a sequel to dismissal of the Writ Petition, W.P.M.P.Nos.1152 and 1153 of 2016 are disposed of as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

*07th January, 2016
DR*