

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No. 18153 of 2016

ORDER :

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Social Welfare for the State of Telangana representing the respondents.

At their request, the Writ Petition is being taken up for disposal at the admission stage.

2. Inaction of respondent No.2 in hearing the Interlocutory Application (IA) filed along with appeal preferred by the petitioner against the order dated 20.05.2016 in TW A2/129/2016 passed by respondent No.3, is the subject matter of challenge in this Writ Petition.

3. A perusal of the material on record shows that by an order dated 20.05.2016, respondent No.3-Special Deputy Collector passed an order in Case No. TWA2/129/2015, holding as follows:

“Hence in exercise of the powers conferred under section 3 (2) (a) of the A.P.S.A.L.T.R. 1959 as amended in the year 1970, it is hereby ordered that the land in Sy. No.4/3 to an Extent of 6.04 Acr. Situated in Nandgoam Village of Talamadugu Taluq should be resumed in favour of Government Custody by Tahsildar Talamadugu, for eventual assignment made in favour of the schedule Tribes or S.T.

registered Society or deemed to be registered under AP Co-op Societies Act 1964 (Act of 1964) which is composed solely of members of STs by conducting panchanama. A copy of which should be furnished to him/them to be shown to the police. If the transferee or some other person resorted to civil or criminal action according a decree to this effect under Rule 7 (4) of A.P.S.A.L.T.R. Rules, 1969 should be issued to Tahsildar Talamadugu empowering him to implement the aforementioned order within (3) days from the date of receipt of the decree and send a report in the matter.”

4. Challenging the same, the petitioner preferred an appeal before respondent No.2-the Additional Agent to the Government (Project Officer), I.T.D.A. at Utnoor on 04.06.2016. Along with the said appeal, he filed IA seeking suspension of operation of the order passed by respondent No.3-Special Deputy Collector. Aggrieved by the inaction of respondent No.2 in passing the order in the IA, the present Writ Petition is filed.

5. Learned counsel for the petitioner submits that if no order is passed by respondent No.2 in the IA filed along with the appeal, the petitioner would be put to great hardship. Learned Assistant Government Pleader for Social Welfare submits that a direction may be given to respondent No.2-appellate authority to pass appropriate order in the IA, if the appeal and the IA are filed and still pending consideration, in accordance with

the procedure.

6. Without going into merits of the case, respondent No.2 is directed to dispose of the IA filed by the petitioner along with the appeal filed against an order dated 20.05.2016 passed in TW A2/129/2016 by respondent No.3, if the same is pending and is otherwise in order, as early as possible preferably within a period of six weeks from the date of receipt of a copy of this order. Till such time, *status quo* as on today shall be maintained with regard to the property in question.

7. The Writ Petition is disposed of with the aforesaid direction. Miscellaneous petitions pending, if any, in the Writ Petition shall stand closed in the light of this final order. No order as to costs.

C.PRAVEEN KUMAR, J

09.06.2016

DRK

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