

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No. 17243 of 2016

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Tribal Welfare.

With the consent of both the parties, the writ petition is disposed of at the admission stage.

The present writ petition is filed seeking to declare the inaction of the second respondent in passing orders in appeal and stay petition filed by the petitioner on 18.05.2016 challenging the order dated 27.01.2016 in LTR Case No.48/2015/KGM, as illegal and arbitrary.

A perusal of the averments in the affidavit filed in support of the petition would show that the petitioner who is absolute owner and possessor of the land admeasuring 529 square yards in Survey Nos.158/8, 158/9, 152/11 and 153/1, situated at Churchipalli Village of Kothagudem Mandal, Khammam District, refused to sell his land to the fifth respondent. Subsequently, the fifth respondent filed a petition before the third respondent claiming ownership over the said land. After considering the objections of both the parties and the material available, the primary authority directed the Tahsildar to restore the land to an extent of 270 square yards in favour of the fifth respondent and remaining extent of 259 square yards was directed to be taken into Government custody. The said order was passed on 27.01.2016. Challenging the same, the petitioner preferred an appeal before the second respondent along with an application to condone the delay and also for stay of the order passed by the primary authority. It is stated that though the delay petition and stay application in the appeal are pending, the authorities are trying to

dispossess the petitioner.

Learned counsel for the petitioner submits that though the petitioner is in possession of the property since long time, the authorities are trying to dispossess him, without considering the delay petition and stay application in the appeal.

Having regard to the circumstances stated above, the second respondent shall pass orders in the delay petition and if the delay is condoned, on the stay application, as early as possible, preferably within a period of six weeks from the date of receipt of a copy of this order.

Having regard to the statement made that the petitioner is in possession of the property in dispute since long back, *status quo* as on today shall be maintained with regard to the possession of the property in question, till then.

Accordingly, the writ petition is disposed of. Miscellaneous petitions, pending if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE C.PRAVEEN KUMAR

14.06.2016,
vhb