

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.46033 OF 2016

ORDER:

The writ petition is filed by the petitioner seeking a writ of mandamus declaring the action of the respondents 1 and 2 in taking steps to recover possession of the property of the petitioner bearing door No.13-120/8/A situated at Bitchkonda Village and Mandal, Nizamabad District, without disposal of the I.A.No.378 of 2016 in O.A.No.41 of 2016 filed by the petitioner before the Hon'ble Telangana Endowments Tribunal for setting aside the *ex parte* order passed in O.A.No.41 of 2016, dated 19.09.2016, as illegal and arbitrary.

Heard and perused the material.

Learned counsel for the petitioner submits that the petitioner has purchased the plot admeasuring an extent of 1089 sq. feet in survey Nos.1092 and 1094 at Bitchkonda Village and Mandal, Nizamabad District, by way of registered sale deed bearing document No.2170 of 1995, dated 03.11.1995, for a valuable consideration from one Siddamsetti Narayana. Consequently, the petitioner constructed ground and two floors in the said plot. While things stood thus, the respondents 1 and 2 herein filed O.A.No.41 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 vacant physical possession of the property mentioned above to the second respondent. As the petitioner remained *ex parte* due to serious illness of one of his relatives, the said O.A., was allowed with costs. Then, the petitioner filed I.A.No.378 of 2016 in O.A.No.41 of 2016 to set aside the *ex parte* order, dated 19.09.2016, but without waiting for disposal of I.A.No.378 of 2016, the respondents 1 and 2 herein are taking steps to take possession of the property from the petitioner.

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 I.A.No.378 of 2016 in O.A.No.41 of 2016 as expeditiously as possible, preferably within a period of three months from the date of receipt of copy of this order. Till then, the respondents 1 and 2 are directed not to take any steps for taking possession of the property in question from the petitioner.

The writ petition is accordingly disposed of. There shall be no order as to costs. Consequently, miscellaneous petitions, if any shall also stand disposed of.

28.12.2016
pln



JUSTICE RAJA ELANGO