

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.39549 OF 2016

ORDER:

The present writ petition is filed by the petitioner seeking to declare the action of the respondents in trying to evict the petitioners from the residential house properties bearing H.No. 5-153/ 3 to an extent of 30 x 50 Sq.ft in Sy.No.101, H.No. 6-184/ 2/ B admeasuring 10 x 40 Sq.ft in Sy.No. 89/ 1 and H.No. 6-206 and 6-207 to an extent of 30 x 88 Sq.ft. in Sy.No. 92 respectively, situated at Echoda village and Mandal, Adilabad District, under the guise of the ejectment order passed by the 3rd respondent in case No.TWA2/ 192/ 2015, dated 07.10.2016 even though the statutory Appeal filed by the petitioners is pending before the 2nd respondent as illegal and arbitrary, and consequently, direct the respondents 1 to 4 not to evict the petitioners from their residential house properties till the disposal of the appeal filed by the petitioners before the 2nd respondent.

Heard and perused the material available on record.

The case of the petitioners is that they are in possession and enjoyment of the above said house properties from the year 1967 and the said properties were purchased from a non-tribal, and that they are eking out their livelihood by doing some petty businesses in some portion of houses built by them in the said properties. While so, the Special Deputy Collector (T.W.), Utnoor, Adilabad District - 3rd respondent has initiated proceedings against the petitioners on the basis of a petition filed by the 5th respondent and issued notices to the petitioners. The petitioners submitted their explanations and thereafter, without giving any notice to the petitioners, the 3rd respondent has passed ejectment order, dated 07.10.2016, ejecting the petitioners from the said house properties. Aggrieved by the said ejectment order, the petitioners preferred an appeal

before the Additional Agent to the Government and Project Officer, ITDA, Adilabad Headquarters, Utnoor, Adilabad - 2nd respondent, along with a stay petition on 11.11.2016 and the same is pending for consideration and the 2nd respondent has not passed any orders on the stay petition filed by the petitioners. The main grievance of the petitioners is that during pendency of the above appeal and the stay petition, the 3rd respondent is trying to dispossess the petitioners from the subject house properties. Hence, the present writ petition.

Considering the facts and circumstances of the case and also taking into consideration the grievance of the petitioners, this Court is inclined to pass the following order:

The Additional Agent to the Government and Project Officer, ITDA, Adilabad Headquarters, Utnoor, Adilabad – 2nd respondent, is directed to dispose of the appeal filed by the petitioners, as expeditiously as possible, preferably within a period of three (3) months from the date of receipt of a copy of this order. Till then, the respondents 3 and 4 are directed not to dispossess the petitioners from the subject properties, on the basis of the order, dated 07.10.2016, passed by the 3rd respondent.

With the above directions, the Writ Petition is disposed of. No order as to costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

November 16, 2016
KTL