

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN**  
**AND**  
**THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA**

**Writ Appeal No.1341 of 2016**

**JUDGMENT:** (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the learned Single Judge in W.A.No.12976 of 2016 dated 19.04.2016 directing the respondents not to give effect to the eviction order dated 28.12.2015 passed in LTR Case No.5/2015/Bym on the file of the Agency Divisional Officer, Kothagudem, Khammam District pending disposal of the stay application by the appellate authority i.e the Additional Agent to the Government i.e Project Officer, ITDA, Bhadrachalam, in the appeal filed by the writ petitioner.

The 5<sup>th</sup> respondent in the writ petition has filed this appeal under Clause 15 of the Letters Patent. The appellant's grievance is that, while the order of eviction dated 28.12.2015 was given effect to and the respondent-writ petitioner was evicted from the subject land on 21.03.2016, he had filed the writ petition in April, 2016 and had obtained the interim order; and he is now seeking to interdict a temple being constructed on the subject land, though the original land owner had handed it over for construction of a temple for the Tribals of the Village.

Sri K.Pavan Kumar, learned counsel for the respondent-writ petitioner, would submit that the interim order has been in force ever since 19.04.2016; the appeal itself is posted to 21.01.2017; and as the interim order has been in force for the past more than eight months, no prejudice would be caused if the interim order were to be continued for another two months till the end of January, 2017 within which time the appellate authority can dispose of the appeal.

While the appellant contends that the respondent-writ petitioner has already been evicted from the said land in March, 2016, Sri K.Pavan

Kumar, learned counsel, would submit that the respondent-writ petitioner could not have been evicted without his being put on notice.

While the appeal may well have been listed on 21.01.2017, the stay application filed therein necessitates an early hearing. We consider it appropriate, therefore, to modify the order under appeal and direct the 4<sup>th</sup> respondent to dispose of the stay application, or the appeal itself, on or before 31.12.2016. The appellant shall intimate the order passed by this Court to the 4<sup>th</sup> respondent within one week from today. Till the stay application in the pending appeal, or the appeal itself, is disposed of, *status quo* shall be maintained by both the parties.

The Writ Appeal is disposed of accordingly. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.



(RAMESH RANGANATHAN, ACJ)

(A.SHANKAR NARAYANA, J)

09<sup>th</sup> December, 2016  
JSU

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**Date: 09.12.2016**

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