

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.7185 of 2017

ORDER:

The case of the petitioner is that he filed appeal along with stay petition against the orders of 4th respondent in Procs.No.B/938/2015, dated 29-04-2016 under Section 90 of A.P.(Telangana Area) Tenacy and Agricultural Lands Act, 1950 (for short "the Act") and the same was listed before the Joint Collector on 07-01-2017. Counter was filed stating that possession was delivered to the unofficial respondents by conducting panchanama. The petitioner was not issued any notice by following the procedure and violated rules under Rule 3 and 4 of Transfer of Possession and Eviction Rules, 1957 ((Eviction Rules,1957). As such, so-called panchanama is in violation of rules. Counter affidavit is filed stating that notional possession was delivered under cover of panchanama without following due process of law and without issuing notice to the petitioner and without following procedure under Rules 3 and 4 of Eviction Rules, 1957 and that since possession was delivered under cover of panchanama, the appeal has become infructuous. The so-called panchanama is in violation of Eviction Rules. Aggrieved by the same, the present writ petition is filed.

Learned Assistant Government Pleader for revenue on instructions submits that the procedure as envisaged under Rules 3 and 4 of the Eviction Rules has not been followed before conducting panchanama. This Court granted interim

suspension of panchanama dated 29-07-2016 and after service of notice, the respondents 5 to 8 appeared.

Learned counsel for the unofficial respondents could not dispute the allegation of the petitioner that procedure under rules 3 and 4 of Eviction Rules has not been followed before conducting alleged panchanama.

Both counsel and learned Assistant Government Pleader for Revenue states that writ petition may be disposed of with a direction to the Joint Collector to dispose of the appeal filed by the petitioner under Section 90 of the Act. In this case, panchanama, which was conducted on 29-07-2016, is not in consonance with rules 3 and 4 of Eviction Rules. As such, the same is liable to be set aside and the unofficial respondents have to put back the petitioners into possession of the subject lands.

In view of the same, the impugned panchanama is set aside and the 4th respondent is directed to put back the petitioners into possession of the subject land. After petitioners are put back into possession of subject land, the same shall be informed to the Joint Collector and thereafter, the Joint Collector is directed to dispose of the stay petition/appeal within a period of four weeks from the date of receipt of a copy of this order after issuing notice to the petitioner as well as unofficial respondents. Basing on the result of the appeal, the 4th respondent shall take action in accordance with rules.

Accordingly, this writ petition is allowed to the extent indicated above. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

27-03-2017
Nvl



