

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.19638 OF 2017

ORDER:

The petitioner prays for the following relief:

“to issue an appropriate Writ, Order or direction, more particularly one in the nature of Writ of Mandamus, to declare the action of the Respondent Nos.2 to 4 in trying to dispossess the petitioner and allot the subject land to Respondent No.5 from the peaceful possession of the petitioner land admeasuring Ac.0-71 cents in Survey Nos.194/27 and 194/28 situated at Surampally village of Gannavaram Mandal at Krishna District though the petition scheduled land is not the Government land as being illegal, arbitrary, unjust and violation of Article 21 and 300 A of Constitution of India.”

2. The 4th respondent passed order of resumption Rc.No.C/189/2005, dated 18.08.2005, against the petitioner. The petitioner filed Appeal Rc.A.No.1330/2005 and as admitted by the learned Assistant Government Pleader, the appeal is still pending before the 3rd respondent. The petitioner was issued pattadar pass book, title deed and now the grievance is during pendency of appeal filed against the order of resumption, the respondents are trying to dispossess the petitioner and assigned the land to third parties.

3. At request of learned Assistant Government Pleader, time was granted to get instructions. Basing on instructions, learned Assistant Government Pleader submits that after resumption order was passed, the respondents, in fact, have taken possession and are preparing to dispose of the appeal

expeditiously. On the pointed out query of this Court, viz., what is the date of taking possession and the proceeding under which land vested in Government, the learned Assistant Government Pleader has not received instructions. As the appeal is still pending, to meet the ends of justice and to preserve the subject matter of appeal, I am satisfied the writ petition can be disposed of by this order:

- (1) Respondent No.3 is directed to hear and dispose of Appeal Rc.A.No.1330/2005 as expeditiously as possible, preferably within three (03) months from the date of receipt of a copy of this order.
- (2) The respondents are directed to maintain *status quo* as regards possession and physical features of the subject matter of writ petition or appeal till the appeal is heard, disposed of and order communicated to petitioner.

4. Accordingly, the Writ Petition is disposed of. Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE S.V. BHATT

JUNE 19, 2017

Note:

Issue C.C. in one week.

(B/o)
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Dt: 19.06.2017

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