

(SHOW CAUSE NOTICE BEFORE ADMISSION)
HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

(Special Original Jurisdiction)
FRIDAY , THE SEVENTEENTH DAY OF JUNE,
TWO THOUSAND AND SIXTEEN

: PRESENT :

THE HONOURABLE SRI JUSTICE C. PRAVEEN KUMAR
W.P.No. 19386 of 2016

Between:-

Kompalli Ramesh Kumar, S/o. Late Veeraswamy, Occ : Business,
R/o. H.No.12-]./4,Vidya Nagar, Mandamarri Village & Mandal,
Adilabad District.

..... PETITIONER

AND

- 1.The State of Telangana, Rep. by its Principal Secretary,
Social Welfare (TW) Department, Secretariat,
Hyderabad.
- 2.The Special Deputy Collector (TW), Adilabad Hqrs.
Utnoor,
Adilabad District.
- 3.The Tahasildar/Mandal Revenue Officer,
Mandamarri Revenue Mandal, Adilabad District
- 4.Nakerakommula Niranjan S/o. Gouraiah, Occ : Business,
R/o. H.No.15-59, Old Bus Stand, Mandamarri Village &
Mandal,
Adilabad District.
- 5.Kota Reddy alias Alluri Reddaiah S/o. Late Chinnaiah,
Occ: Agriculture, R/o. Burdagudem Village
Mandamarri Mandal, Adilabad District

.....RESPONDENTS.

WHEREAS the Petitioner above named through his Advocate SRI SRINIVASA RAO PUTLURI, presented this writ petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring action of the 2nd Respondent in reopening/review the transfer orders dated 26.04.2015 passed to decide the matters under The Land Encroachment Act,1905 and A.P.(T.A.) Tenancy & Agricultural Lands Act,1950 to the concerned authorities in Case Nos.TWA1/147/ 2015 and TWA1/ 150/2015, thereby issuing notices dated 07.06.2016 to fixing the date of hearing scheduled to be held on 18.06.2016 decide the issue under the A.P.S.A.LT Regulation,1959 as Amended by Regulation 1/70, in respect of property to an extent of Ac.0-30 gts., in Sy.No.136/1 /1 and Ac.0-3 2 gts.,in Sy.No.135 situated at Mandamarri Village & Mandal, Adilabad District as without jurisdiction with a view to demolish petrol outlet/dispossess the Petitioner from the aforementioned property, as wholly illegal, arbitrary, unjust, untenable, unconstitutional, violative of Articles 19(1)(g),300-A of Constitution of India and contrary to the provisions of the A.P.S.A.LT Regulations consequently direct the 2nd respondent

to transfer the cases to the Revenue Department as per the above earlier orders until then refraining from continuing in further and/ or passing any orders in so far as the above property of the Petitioner is concerned;

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of SRI SRINIVASA RAO PUTLURI, Advocate for the Petitioner and the Govt. Pleader for Social Welfare(TG) on behalf of respondent No.1 and the Govt. Pleader for Revenue(TG) on behalf of respondent Nos. 2 & 3, directed issue of notice to the Respondents herein to show cause as to why this writ petition should not be admitted in the circumstances set out in the petition and the affidavit filed in the Writ Petition;

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W.P.M.P.No. 23783 of 2016 :-

- Petition under Section 151 of C.P.C. praying that in the circumstances stated in the affidavit filed in W.P. the High Court may be pleased to stay all further proceedings including dispossession / demolition of the Petrol outlet situated at Sy.No.135 situated at Mandamarri Village & Mandal, Adilabad District in pursuance of the Notices dated 07.06.2016 in Case Nos.TWA1/147/2015&TWA1/150/2015 issued to the Petitioner by the 2nd Respondent, pending disposal of W.P. No. 19386 of 2016 on the file of the High Court.

You viz ;

1.The Principal Secretary, Social Welfare (TW) Department,

State of Telangana, Secretariat, Hyderabad.

2.The Special Deputy Collector (TW), Adilabad Hqrs. Utnoor,

Adilabad District.

3.The Tahasildar/Mandal Revenue Officer, Mandamarri Revenue Mandal, Adilabad District

4.Nakerakommula Niranjan S/o. Gouraiah, Occ : Business, R/o. H.No.15-59, Old Bus Stand, Mandamarri Village & Mandal, Adilabad District.

5.Kota Reddy alias Alluri Reddaiah S/o. Late Chinnaiah, Occ: Agriculture, R/o. Burdagudem Village Mandamarri Mandal, Adilabad District

are directed to show cause as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this writ petition should not be admitted.

THE COURT MADE THE FOLLOWING ORDER :-

- “Notice before admission.

Learned Government Pleader seeks time to get instructions.

A perusal of the record discloses that on 03.03.2016, the authority dealing with LTR Cases relating to Survey No. 136/^/1, admeasuring Ac.1.06

guntas situated at Mandamarri Village of Mandamarri Mandal, passed an order transferring the cases to revenue Courts of RDO, Mandamarri. After the concerned officer went on leave, the Special Deputy Collector is alleged to have reopened the cases and issued notices to the petitioner.

It is mainly contended that without earlier order being set aside, the question of reopening or re-hearing the said case by the same authority would not arise.

In view of the above, there shall be interim stay, as prayed for, for a period of two weeks.

Post after one week.”

ASSISTANT REGISTRAR

//TRUE COPY//

for ASSISTANT REGISTRAR

Contd..3...

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To

- 1.The Principal Secretary, Social Welfare (TW) Department,
State of Telangana, Secretariat, Hyderabad.
 - 2.The Special Deputy Collector (TW), Adilabad Hqrs. Utnoor,
Adilabad District.
 - 3.The Tahasildar/Mandal Revenue Officer,
Mandamarri Revenue Mandal, Adilabad District
 - 4.Nakerakommula Niranjan S/o. Gouraiah, Occ : Business,
R/o. H.No.15-59, Old Bus Stand, Mandamarri Village & Mandal,
Adilabad District.
 - 5.Kota Reddy alias Alluri Reddaiah S/o. Late Chinnaiah,
Occ: Agriculture, R/o. Burdagudem Village
Mandamarri Mandal, Adilabad District
- (Addressee Nos. 1 to 5 by RPAD along with a copy of Petition & Affidavit)**
- 6.Two CCs to the G.P. for Social Welfare(TG), High Court at
Hyd(OUT)
 7. Two CCs to the G.P. for Revenue(TG), High Court at Hyd(OUT)
 - 8.One CC to Sri Srinivasa Rao Putluri,
Advocate(OPUC)
 - 9.One spare copy.

TKK

HIGH COURT

CPK.J

DT.17-06-2016.

NOTICE BEFORE ADMISSION

W.P.No. 19386 of 2016.

INTERIM STAY

**DRAFTED BY TKK
DT.20-06-2016.**

HIGH COURT

CPK.J

DT.17-06-2016.

Note :- Post after one week.

NOTICE BEFORE ADMISSION

W.P.No. 19386 of 2016.

INTERIM STAY