

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.8721 of 2009

ORDER:

This Writ Petition is filed by the petitioner under Article 226 of the Constitution of India seeking to declare the action of the respondents in trying to assign the lands of the petitioner to an extent of Ac.0.63 cents in Sy.No. 56/part, situated at Sirchelma Village of Echoda Mandal, Adilabad District, to third parties by dispossessing the petitioner from her lands under the guise of the orders passed by the 2nd respondent in Case No.TWA1/587-588/2005, dated 28.9.2007, and confirmed by the 1st respondent in Case No.A4/LTR/40/2008, dated 20.10.2008, even though the statutory revision filed by the petitioner before the 6th respondent is pending, as illegal and arbitrary, and consequently, direct the respondents not to assign the lands of the petitioner to an extent of Ac.0.63 cents Sy.No. 56/part, situated at Sirchelma village of Echoda Mandal, Adilabad District to others.

2. Heard and perused the material available on record.

3. The case of the petitioner is that the petitioner is the pattedar and owner and possessor of the land to an extent of Ac. 0.63 cents in Survey Nos.56/part, situated at Sirchelma Village of Echoda Mandal, Adilabad District and that the petitioner developed the lands by spending huge amounts and that no transaction took place between the petitioner and respondents 4 & 5. While so, the 2nd respondent without issuing any notice and without giving any opportunity to the petitioner passed ejectment order, ejecting the petitioner from the possession of the land on 28.09.2007 in Case No.TWA1/587-588/2005 and further directed to resume the

land to the custody of the Government and that after knowing the fact of the passing of the order, the petitioner filed the statutory appeal before the 1st respondent on 10.09.2008 with a condone delay application and also stay application. The 1st respondent, without considering the case on merits, simply dismissed the condone delay petition as well as the appeal. It is further submitted that under the guise of the dismissal of the appeal, when the official respondents are trying to dispossess the petitioner from the lands and trying to assign the lands to others, the petitioner filed the statutory revision before the 6th respondent on 22.01.2009 along with the stay application, but so far, the 6th respondent has not passed any orders on the stay application nor on the revision petition. The main grievance of the petitioner is that respondents 1 to 3 are trying to assign the lands to third parties by dispossessing the petitioner from the lands and if the same is done, the petitioner would be put to great loss.

4. The 1st respondent filed counter affidavit denying the material allegations raised in the affidavit of the petitioner and prayed to dismiss the writ petition.

5. On 27.04.2009, while admitting the writ petition, this Court granted interim order in W.P.M.P.No.11419 of 2009, which reads as follows:

“Status quo as on today shall be maintained until further orders.

Notice.”

6. Admittedly, the petitioner has already filed a statutory revision before the 6th respondent on 22.01.2009. Hence, this Court

is of the view that the writ petition can be disposed of with the following direction:

The authority concerned is directed to dispose of the revision said to have been filed by the petitioner on 22.01.2009, as expeditiously as possible, in accordance with law and till the disposal of the revision, *status quo* shall be maintained with regard to the subject land.

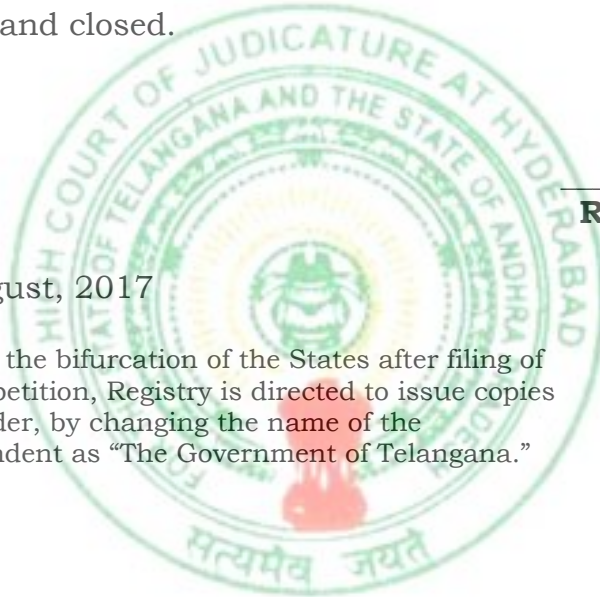
7. With the above direction, the Writ Petition is, accordingly, disposed of. No costs. Pending Miscellaneous Petitions, if any, shall stand closed.

Date: 29th August, 2017

Note: In view of the bifurcation of the States after filing of this writ petition, Registry is directed to issue copies of the order, by changing the name of the 6th respondent as "The Government of Telangana."

(B/o.)
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RAJA ELANGO, J



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