

**THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM
AND**

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION No.1507 OF 2017

ORDER : (per Hon'ble Sri G.Shyam Prasad)

This writ petition is filed seeking to declare the action of the 1st respondent in trying to take the physical possession of the property forcibly in spite of the fact that the Recovery Appeal is pending before the Debt Recovery Tribunal (for short 'the DRT'), Hyderabad, as illegal, arbitrary and consequently to direct the respondent not to dispossess the petitioner from the land admeasuring Ac.1.03 Gts in Sy.No.294/A and 295/A at old Kothagudem Village, pending disposal of I.A.No.4 of 2017 in R.A.No.6/2016 on the file of DRT, Hyderabad.

Heard.

Petitioner has put on notice by legal notice dated 03.01.2017 about filing of R.A.No.6 of 2016 and the listing date as 10.01.2017. The postal acknowledgment discloses that the said notice was received by the respondents on 05.01.2017. After receipt of the same, without waiting for further orders that may be passed by the D.R.T in I.A.No.4 of 2017, the respondents in large numbers have come and threatened to dispossess the petitioner. As a matter of fact, there is a paddy crop in the field and it is ripe for harvest and if the possession is taken forcibly, petitioner would be put to substantial loss and as it is the specific contention of the petitioner that due to mistaken identity of the property, the action of the respondents is arbitrary and illegal. In those circumstances and inasmuch as the petitioner had approached the D.R.T by filing

R.A.No.6 of 2016, pursuant to the order dated 08.11.2016, passed by this Court in W.P.No.38337 of 2016, interest of justice would be served, if ad-interim stay of all further proceedings till the D.R.T considers the I.A.No.4 of 2017 in R.A.No.6 of 2016 and pass appropriate orders either by way of ad-interim order or by way of final orders, whichever is earlier, is granted.

Having regard to the said submissions, without going into the merits of the case, the writ petition is disposed of directing the D.R.T to dispose of the I.A.No.4 of 2017 in R.A.No.6 of 2016, as expeditiously as possible, preferably within a period of four (4) weeks from the date of receipt of copy of this order. Till such time the orders either by way of interim order or final order whichever is earlier, are passed in I.A.No.4 of 2017 in R.A.No.6 of 2016, there shall be interim stay of all further proceedings. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

CHALLA KODANDA RAM, J

G.SHYAM PRASAD, J

11th January, 2017

Note : Issue c.c., by tomorrow.

B/o.
Rds/pab

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Date:11.01.2017