

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.3326 OF 2017

ORDER:

The case of the petitioners is that 1st petitioner is the owner of the land admeasuring Ac.2.74 cents in Sy.No.77/3, which was assigned to her by the revenue authorities vide proceedings dated 02.06.2007 and the 2nd petitioner is the owner of the land admeasuring Ac.2.30 cents in Resurvey No.40 having succeeded the same from his father situated at Neellarevu Village, hamlet of Bhahmasamedyam Village, Katrenikona Mandal, East Godavari District. While so, the 6th respondent approached the respondents 3 and 4 by way of representations seeking resumption of the land assigned to the 1st petitioner on the ground that the land assigned to the 1st petitioner was initially assigned to him and since he was not cultivating the same, the same was reassigned to her. The 6th respondent filed W.P.No.21448 of 2016, which was disposed of with a direction to dispose of the representation. Pursuant to the said order, the 4th respondent passed eviction orders on 22.09.2016 with antedate and was served on the 1st petitioner on 02.10.2016. Thereafter, the 1st petitioner preferred an Appeal in W.A.No.1093/2016 against the orders in W.P.No.21448/2016 and the same was disposed of vide order dated 20.10.2016. Subsequently, the 4th respondent passed orders of eviction dated 07.11.2016. Challenging the same, the petitioners preferred an appeal before the 3rd respondent on 10.11.2016 along with stay petition. As no orders are passed, the petitioners filed W.P.No.39827 of 2016 and the said writ petition was disposed of

with a direction to dispose of the appeal and pending the appeal status-quo order was also granted. In spite of the status-quo order, the respondents have taken possession of the 1st petitioner's land which is subject matter of the resumption order i.e., Ac.2.74 cents in Sy.No.77/3 and also the land of the 2nd petitioner i.e., Ac.2.30 cents in Resurvey No.40, which is a private land without any authority of law. Aggrieved by the same, the present writ petition is filed.

Learned counsel for the petitioners contends that before the expiry of the time limit to file an appeal and in spite of the status-quo orders, the respondents have taken possession of the land admeasuring Ac.2.74 cents in Sy.No.77/3, belonging to the 1st petitioner. He further submits that the respondents would not have taken the possession of the land belonging to the 2nd petitioner, as the same is not the subject matter of the resumption order.

On the other hand, learned Assistant Government Pleader basing on the record submits that only the land admeasuring Ac.2.74 cents in Sy.No.77/3, which is subject matter of the resumption was taken possession but not the land admeasuring Ac.2.30 cents in Resurvey No.40 belonging to the 2nd petitioner.

In view of the above facts and circumstances, the respondents have denied that they have taken possession of the land admeasuring Ac.2.30 cents in Resurvey No.40 belonging to the 2nd petitioner, therefore it is open for the petitioners to utilize the same in accordance with law. Since the learned counsel for the petitioner submits that in spite of the direction by this Court in

W.P.No.39827 of 2016, neither the stay petition nor the appeal has been disposed of, the 3rd respondent is directed to dispose of the appeal filed by the petitioners within a period of six (06) weeks from the date of receipt of copy of this order.

With the above direction, the writ petition is disposed of. No order as to costs.

As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

02.03.2017
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A.RAJASHEKER REDDY, J