

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.25836 of 2009

ORDER:

Heard Sri V.Sudhakar Reddy for petitioners and the Assistant Government Pleader for Assignment.

The 1st petitioner since deceased is represented by petitioners 2 and 3.

The petitioners call in question Memo No.48015/ Assn.II(1)/2009, dated 16.11.2009 and Proceeding No.D.Dis.(E8)/349/2005 dated 30.09.2009 of the 2nd respondent, as illegal, without jurisdiction, arbitrary and unconstitutional.

The 2nd respondent, through proceedings, dated 30.09.2009, while rejecting the objection petition of the 1st petitioner, held as follows:-

“Sri Dasari Gangaiah had been assigned the land by the then Tahsildar. Subsequently, the land was under the occupation and possession of Sri Nagireddy Ramana Reddy and the petitioner is very well aware that the land in Sy.No.135/4 measuring Ac.1-10 cents is Government land. Sri Dasari Gangaiah the assignee has registered an extent of 0-10 cents of land in favour of Smt.Koppolu Chinamma W/o.Rama Krishnaiah vide registration Document N.957, dated 09-08-1966 and Sri Nagireddy Ramana Reddy himself signed as witness in the document. Thus the question of adverse possession of the petitioner does not arise. Though the land was resumed and handed over to the wife of late Gangaiah, she again left the land to the petitioner under his influence. Hence, the Tahsildar rightly assigned the land to

4 S.Ts. at the rate of Ac.0-25 cents each. The Tahsildar, Naidupet shall take action to evict the petitioner who is an encroacher and handover the land to the 4 poor S.Ts. immediately and report compliance. The plaint of the petitioner is thus hereby dismissed.”

The 1st petitioner filed revision before the 1st respondent and the same is taken on file as Case No.48015/ Assn.II(1)/2009. The 1st respondent granted stay of the order of 2nd respondent and later on from the impugned Memo, it appears, by circulation without hearing the 1st petitioner the interim order is vacated. The writ petition is filed challenging the orders of 1st and 2nd respondents.

On 27.11.2009, this Court granted interim suspension as prayed for. The interim order is subsisting.

The respondents filed petition to vacate the interim order. The revision is pending, as on date and this Court is of the view that having regard to the documents relied on by the petitioners, the revisional authority-1st respondent can be directed to consider the revision filed by the 1st petitioner, examine the documents relied on by the petitioners and pass orders within reasonable time.

The petitioners claim possession of subject matter of the revision for over six decades and it is in the fitness of things the possession of petitioners vis-à-vis the subject matter of writ

petition is maintained even during pendency of revision before the 1st respondent.

Hence, the writ petition is disposed of by this order.

(a) The interim order granted on 27.11.2009 is directed to be maintained during pendency of Case No.48015/ Assn.II(1)/2009.

(b) The 1st respondent considers disposing of Case No.48015/ Assn.II(1)/2009 as expeditiously as possible, preferably within six months from the date of receipt of this order.

(c) Petitioners 2 and 3, if not already taken steps for coming on record before the 1st respondent, are given liberty to file petition to come on record expeditiously.

Miscellaneous petitions, if any, pending, shall stand closed.

No order as to costs.

S. V. BHATT, J

Dt: 04.09.2017

Prv

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Prv

