

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 573 of 2013

ORDER:

- 1) The present writ petition came to be seeking issuance of writ of mandamus declaring the action of the respondents in displacing the petitioner from the land admeasuring Ac.0.30 gts., in Sy.No.189/ 7 of Sublaid Cross Road, Mohammadhapuram Village, Tirumalayapalem Mandal, Khammam District, by issuing the eviction order vide Rc.No.A/ 631/ 2012, dated 24.05.2012, as illegal, arbitrary, biased and against the principles of natural justice; and consequently set aside the impugned proceedings.
- 2) By an order dated 23.04.2013 this Court ordered that the petitioner shall not be dispossessed from the subject land and the petitioner shall also not make any further construction, change the nature of land, create third party rights and alienate the land until further orders.
- 3) The case of the petitioner is that the petitioner trust is in possession of the land and that the building which is raised in the said land is being used for running a school. It is said that the authorities have issued the impugned proceedings without any basis. However, it is an admitted fact that against the order passed by the Tahsildar, an appeal has been preferred before the Revenue Divisional Officer, Khammam, which is still pending.

4) A counter filed by the respondents denying the averments made in the affidavit filed in support of the writ petition. It is their case that they have already taken possession of the land on 25.12.2012 and that the petitioner is not in possession of the same. The said fact is seriously disputed by the learned counsel for the petitioner stating that the said land is still in possession of the petitioner.

5) Having regard to the above, this Court is of the view that it would be appropriate if the matter is to be decided by the Revenue Divisional Officer, before whom the appeal is still pending.

6) Accordingly, the Writ Petition is disposed of, directing the Revenue Divisional Officer, Khammam, to dispose of the appeal filed by the petitioner against the order passed by the Tahsildar in Rc.No.A/ 631/ 2012, dated 24.05.2012, in accordance with law, as expeditiously as possible, preferably, within a period of three to four months from the date of receipt of a copy of the order. Till such time *status quo* as on today shall be maintained by both the parties in all respects.

7) There shall be no order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

07.02.2017

Note: Issue C.C. in three days.

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