

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.17912 of 2011

ORDER:

Heard both sides and perused the records.

2. The present Writ Petition came to be filed seeking issuance of writ of Mandamus declaring the action of the third respondent in trying to interfere with the peaceful possession and enjoyment of the land admeasuring Acs.3.20 guntas situated in Survey No.252 of Pulur Village, Manopad Mandal, Mahabubnagar District, during the pendency of the appeal before the first respondent in appeal No.E1/ 46/ 2000, as illegal and arbitrary.

3. The averments in the affidavit filed in support of the writ petition would show that the father of the petitioners was allotted the above mentioned land by Bhoodan Yagna Samithi in the year 1956 on a condition of payment of Rs.600/- as a donation and since then they were in possession of the said land. It is stated that the third respondent sought for resumption of the land vide proceedings dated 18.11.2000, without prior notice to the father of the petitioners, who inturn filed an appeal before the second respondent vide appeal No.2751/ 2001, contending that he was granted pattadar pass books and title deeds and that he is in possession of the property. It is stated that at the time of passing of the resumption order, the petitioners were in physically possession of the property in dispute. When the third respondent sought for interference over the subject property, during pendency of appeal, the father of the petitioners filed W.P.No.17597 of 2002 before this Court, which was disposed of directing the respondents therein to maintain *status quo* and the second respondent was directed to dispose of the appeal within a

period of three months from the date of receipt of a copy of the order. Subsequently, in the appeal filed by the father of the petitioner, the second respondent vide order dated 05.09.2002, confirmed the order passed by the third respondent, without considering the contentions raised by the petitioner therein. Aggrieved thereby, the father of the petitioner filed appeal No.E1/ 46/ 2002 before the first respondent and the same is pending. While things stood thus, the petitioners came to know about the above said litigation after the death of their father and hence filed an application to come on record as legal representatives, through their counsel. It is stated that the third respondent is trying to interfere with the peaceful possession and enjoyment of the property, while appeal is pending and the first respondent kept the appeal filed by the father of the petitioner pending since last 9 years. Aggrieved by the action of the said official respondents, the present writ petition came to be filed.

4. By an order dated 01.07.2011, this Court while issuing *rule nisi*, directed the respondents not to interfere with the peaceful possession of the subject land. A counter affidavit came to be filed by the respondents opposing the averments made in the writ petition. It is stated that the land in dispute was sold by the father of the petitioners in the year 1972, 1983 and 1986 to others including the unofficial respondents and the same was allotted to them. It is further stated that even prior to the allotment, they constructed houses much prior to proceedings initiated against the father of the petitioners. It is further stated that the unofficial respondents are in possession of the property and were also issued pattadar pass books and title deeds in their favour. It is further averred that the respondent-authorities have also acquired some of the houses in the subject land belonging to the unofficial respondents and paid compensation under the provisions of the Land Acquisition Act by passing an award in proceedings No.G1/ 6969/ 06, dated 18.04.2007.

5. At this point of time, learned counsel for the petitioners submitted that a direction may be given for disposal of the appeal, which is pending before the first respondent vide appeal No.E1/ 46/ 2002, at the earliest.

6. Having regard to the above and without going into merits of the case, the writ petition is disposed of directing the first respondent to dispose of the appeal bearing No.E1/ 46/ 2002 within a period of three months from the date of receipt of a copy of the order. Till such time, *status quo* as on today to be maintained with regard to possession of the property in dispute. There shall be no order as to costs.

7. Miscellaneous petitions, pending if any, shall stand closed in the light of this final order.

06.02.2017
vnb



JUSTICE C. PRAVEEN KUMAR