

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.9580 of 2009

ORDER:

This Writ Petition is filed by the petitioner under Article 226 of the Constitution of India seeking to declare the action of the 1st respondent in not passing appropriate orders either on the stay petition or on the revision itself filed on 25.04.2009 against the order of 2nd respondent, dated 21.02.2009, in CMA No.266/2005, as illegal, arbitrary, and violative of principles of natural justice and consequently direct the 1st respondent to consider and dispose of the stay petition or the revision itself within a reasonable time and further direct the respondents or their subordinate staff not to dispossess the petitioner from land to an extent of Ac.0.07 guntas in Survey No.357, Ac. 0.12 guntas in Survey No.358, Ac. 1.02 guntas in Survey No.359 and Ac. 1.15 guntas in Survey No.361/A, total measuring Ac. 2.36 guntas respectively, situated at Dharmapuram Village, Bayyaram Mandal of Khammam District, pending disposal of the revision, on the file of the 1st respondent.

2. Heard and perused the material available on record.

3. The case of the petitioner is that the petitioner is in continuous possession and enjoyment of the lands to an extent of Ac.0.07 guntas in Survey No.357, Ac. 0.12 guntas in Survey No.358, Ac. 1.02 guntas in Survey No.359 and Ac. 1.15 guntas in Survey No.361/A, total measuring Ac. 2.36 guntas respectively, situated at Dharmapuram Village, Bayyaram Mandal of Khammam District. While so, the 3rd respondent had taken up proceedings in L.T.R. Case No.6/04/BYRM, stating that the possession of the

petitioner is contrary to the regulation and passed eviction order on 30.07.2005 without appreciating the contents raised by the petitioner. Aggrieved by the same, the petitioner filed preferred an appeal before the 2nd respondent in C.M.A.No.266 of 2005, wherein the 2nd respondent dismissed the said CMA No.266 of 2005 by confirming the order of the 3rd respondent. Aggrieved by the same, the petitioner filed statutory revision before the 1st respondent on 25.04.2009 along with the stay application, but so far, the 1st respondent has not passed any orders on the stay application nor on the revision petition. The main grievance of the petitioner is that though revision is pending before the 1st respondent, the 4th respondent is taking steps to eject the petitioner from the schedule property.

4. While admitting the writ petition, this Court granted interim direction to the respondents not to dispossess the petitioner from the subject land, *vide* order, dated 30.04.2009, passed in W.P.M.P.No.12485 of 2009.

5. Admittedly, the petitioner has already filed a statutory revision before the 1st respondent on 25.04.2009. Hence, this Court is of the view that the writ petition can be disposed of with the following direction:

The authority concerned is directed to dispose of the revision said to have been filed by the petitioner on 25.04.2009, as expeditiously as possible, in accordance with law and till the disposal of the revision, *status quo* shall be maintained with regard to the subject land.

6. With the above direction, the Writ Petition is, accordingly, disposed of. No costs. Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO, J

Date: 29th August, 2017

Note: In view of the bifurcation of the States after filing of this writ petition, Registry is directed to issue copies of the order, by changing the name of the 1st respondent as “The Government of Telangana”.

(B/o.)
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