

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION Nos. 1584 AND 1609 OF 2017

COMMON ORDER:

The issue involved in these two writ petitions is one and the same and hence they are being disposed of by this common order.

2. The petitioners state that they are residents of Venkatapuram Village and Mandal of Jayashankar Bhupalapalli District. Petitioners' fathers acquired house sites to an extent of Ac.0-05 cents in Survey No.75/P and Ac.0-05 cents in R.S.No.68 part respectively situated at Venkatapuram Village and Mandal within the Gram Panchayat limits adjacent to R & B Road. Petitioners' fathers appear to have acquired the said land 50 years back. After the death of father of the petitioner in W.P.No.1584 of 2017, petitioner has constructed two rooms with the permission of Gram Panchayat in Roc.No.275/85 dated 03.03.1986 and the father of the petitioner in W.P.No.1609 of 2017 constructed a small thatched house and after death of his father, he constructed a pucca house and residing therein. While so, a case was registered under the Land Transfer Regulations at the instance of one Yela Saiprasad and the Primary Authority passed an order of eviction against the petitioners. Questioning the same, petitioners preferred C.M.A.Nos.9 and 43 of 2013 respectively and the applications for stay were rejected. Challenging the same, petitioners filed W.P.No.28653 of 2015 and an order of *status quo* was passed by this court on 04.09.2015. Thereafter, C.M.A.Nos.9 and 43 of 2013 were disposed of on 06.08.2016 confirming the order passed by the Original Authority.

Against the same, petitioners preferred Revisions before the fifth respondent on 03.10.2016 along with applications seeking stay of eviction. The said stay applications were dismissed by Memo No.8545/TW.LTR-1/2016 and No.8548/TW.LTR-1/2016 dated 20.12.2016 and the same were received by the petitioners on 27.12.2016. Challenging the same, the present writ petitions are filed.

3. Admittedly, in the instant cases, Revisions are pending against the order in C.M.A.Nos.9 and 43 of 2013 before the fifth respondent and the petitioners have been in possession of the property all-through. In the circumstances, it is in the fitness of things that the fifth respondent should have granted stay pending disposal of the Revisions before it.

4. Accordingly, the Writ Petitions are disposed of granting stay of eviction of the petitioners from their respective lands i.e., an extent of Ac.0-05 cents in Survey No.75/P and Ac.0-05 cents in Survey No.68/P and along with building situated at Venkatapuram Village, Venkatapuram Mandal of Jayashankar Bhupalapalli District pending disposal of the revisions before the fifth respondent by setting aside the impugned orders viz., Memo No.8545/TW.LTR-1/2016 and Memo No.8548/TW.LTR-1/2016 dated 20.12.2016. The fifth respondent shall dispose of the Revisions as expeditiously as possible not later than six months from the date of receipt of a copy of this order.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

JUSTICE A. RAMALINGESWARA RAO

January 18, 2017
LMV

