

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

C.C.NO.1101 OF 2017

ORDER

Aggrieved by the impugned notice dated 8.8.2016 issued by the 5th respondent – Tahsildar, under the provisions of Section 3 of Telangana Assigned Lands (Prohibition of Transfers) Act, 1977, in seeking to evict the petitioner from the subject land, W.P.No.16156 of 2017 has been filed.

This court on 27.04.2017, while ordering notice before admission, posted the matter to 15-06-2017 and till the said date, *status quo* with regard to possession was directed to be maintained.

The learned counsel for the petitioner, based on the averments made in the affidavit filed in support of the contempt case, submitted that in spite of *status quo* orders of this court, construction of hostel building in the subject land by the respondents has been going on and this amounts to violation of interim orders of this court.

Learned Assistant Government Pleader for Revenue, based on averments made by the 2nd respondent in the counter affidavit, stated that petitioner was not in possession of the subject land and that eviction order was passed on 17.02.2017 and the same was communicated to the petitioner who acknowledged the same, and in consequence of eviction order, land was resumed and handed over to the Tribal Welfare Department on 22.03.2017. Therefore, he submits that there is no violation of interim orders of this court, as the petitioner is not in possession of the subject land.

The interim order of status quo was with regard to possession and it was granted for a limited period and thereafter there was no extension. In the counter affidavit it is categorically stated that the petitioner is not in possession of the subject land and eviction order was passed on 17.02.2017 and it was served on

the petitioner and the land was resumed and handed-over to Tribal Welfare Department on 22.03.2017. To these averments made in the counter affidavit, petitioner has not filed any reply denying the same.

Therefore, when the petitioner is not in possession of the subject land, question of violation of interim orders of *status quo* with regard to possession, does not arise.

For the foregoing reasons, I do not find any contempt on the part of the respondents and the contempt case is accordingly dismissed.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

A.RAJASHEKER REDDY,J

DATE:26—02—2018

avs

