

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.5427 of 2018

ORDER:

Heard the learned Counsel for the petitioner and the learned Government Pleader for the respondents.

The petitioner states that she purchased the land of an extent of Acs.5.00 in Survey No.172/Ja situated at Surepally Village, Bhongir Mandal, on 05.07.2005 under a registered sale deed from the fifth respondent. After purchase of the said property, her name was mutated in the revenue records and pattadar pass books and title deeds were also issued. The petitioner states that she filed O.S.No.157 of 2010 on the file of the learned Principal Junior Civil Judge, Bhongir, for perpetual injunction against the relatives of the fifth respondent as they were trying to interfere with the possession of the petitioner. The said suit was decreed on 27.07.2015 in favour of the petitioner. While so, the fourth respondent issued a notice to the fifth respondent stating that the fifth respondent violated Section 3(2) of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977, and the fifth respondent submitted a reply to the fourth respondent stating that the said property was obtained by the petitioner by misrepresentation and she also sought for cancellation of patta issued in favour of the petitioner. The fourth respondent passed an order on 05.12.2017 canceling the patta issued in favour of the petitioner and the petitioner preferred an appeal to the third respondent

on 25.01.2018. When the said appeal is pending and the fourth respondent is trying to take possession of the property, the present Writ Petition is filed.

Learned Counsel for the petitioner submits that along with the appeal, the petitioner filed an application seeking stay of all further proceedings, and the third respondent neither considered the stay application nor passed any orders in the said appeal.

Since the appeal is pending before the third respondent against the order of the fourth respondent dated 05.12.2017, it is in the fitness of things that *status quo* shall prevail pending disposal of the appeal. In view of the same, this Writ Petition is disposed of directing the third respondent to take up the appeal and dispose of the same in accordance with law, within a period of three months from the date of receipt of a copy of this order after hearing all the effected parties. In the meanwhile, the petitioner as well as respondent Nos.3 to 5 shall maintain *status quo* with regard to the property.

The Writ Petition is, accordingly, disposed of. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

20.02.2018
vs