

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.5771 OF 2018

ORDER:

The petitioner states that she is the absolute owner and possessor of land admeasuring 300 square yards consisting of a house bearing No.1-6-701 (new), opposite to S.V.Classic Apartments, Chaitanyapuri, Ward No.2, Kothapet Village, Uppal, formerly under Ranga Reddy District. She states that she purchased the said property under two registered sale deeds of an extent of 200 square yards and 100 square yards respectively on 16.10.2004. Both the plots are contiguous and were made as a single plot and her family is living there for more than a decade by paying house taxes and electricity charges. The said plots were originally situated in an approved layout and houses were constructed after obtaining building permission by the vendor's vendor of the petitioner. The petitioner also obtained permission under layout regularisation scheme on 19.01.2017 and she intended to construct a new house. Without having regard to the same, when the fourth respondent issued proceedings under Section 7 of the A.P. Land Encroachment Act, the petitioner filed objections to the same. The petitioner also filed W.P.No.2250 of 2017, wherein this Court, by way of an interim order, directed the respondents to follow due process of law and the said writ petition is pending. However, the fourth respondent passed an order under Section 6 of the Land Encroachment Act on 27.01.2017 and challenging the same, the petitioner preferred an Appeal before the third respondent, but the third respondent dismissed the Appeal on 22.01.2018. Against the said order, a Revision was filed before the second respondent and pending revision, the petitioner also filed an application seeking suspension of the order of the appellate

authority. When the stay application was not disposed of, the present writ petition is filed.

It is an admitted fact that the petitioner preferred a Revision before the second respondent against the order of the third respondent, dated 22.01.2018, within a period of ten days and when the said Revision is pending, it is stated by the learned counsel for the petitioner that the property was demolished highhandedly in view of the absence of any order in the stay application. When a statutory Revision is pending, the fourth respondent should not have taken the law into his hands and demolished the property. The learned Government Pleader, on the basis of the oral instructions, submits that major portion of the property was demolished.

In such circumstances, it is open to the petitioner to take appropriate proceedings against the highhanded action of the fourth respondent. Since the Revision is pending before the second respondent, the second respondent is directed to take up the Revision 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. Pending Revision, there shall be *status quo* prevailing as on today, be maintained by the parties.

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

A.RAMALINGESWARA RAO, J

21.02.2018

Note: Issue order copy by 23.02.2018.

(By order)

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