

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.5852 of 2018

ORDER

This writ petition is filed under Article 226 of the Constitution of India, for the following relief;

“to issue a writ, order or direction more in the nature of mandamus declaring action of the respondents in seeking to evict the petitioner from the land situated in Sy.No.303/2/115 (125) to an extent of Ac.5.00 gts bounded by East: Land of Polasani Manjula, West: Pedapala Perravagu, North: Land of Pratapani Aruna and South: Land of Vegirouthula Laxmibai, situated in Gangaram Village of Tekulapalli Mandal of Bhadradi Kothagudem District, in pursuance of the orders passed by the 2nd respondent in LTR Case No.11/2016/TKP, dated 09.06.2017 pending disposal of the appeal filed before 1st respondent on 07.08.2017 as arbitrary, illegal and violative of Article 14, 21 and 300(A) of the Constitution of India and consequently, declare that the respondents cannot dispossess the petitioner from the property in question and to pass such other order or orders”.

2. Heard learned counsel for petitioner Sri K. Sarath and learned Government Pleader for Social Welfare for the State of Telangana for respondents 1 to 4.

3. The second respondent-Agency Divisional Officer, Kothagudem, Bhadradi, Kothagudem District, on the basis of a petition filed by the 5th respondent, initiated proceedings under Andhra Pradesh Scheduled Areas Land Transfer Regulations and passed an order vide LTR Case No.11/2016/Tkp, dated 09.06.2017, directing ejectment of the petitioner from the land admeasuring Ac.5.00 gts situated in Sy.No.303/2/115 of Gangaram Village, Tekulapalli Mandal, Bhadradi, Kothagudem District.

4. Aggrieved by the said order of ejectment, petitioner filed a statutory appeal before the first respondent-Additional Agent to

Government/Project Officer on 07.08.2017. Along with the said appeal, he also filed an application seeking suspension of the order passed by the primary authority.

5. It is submitted by the learned counsel for petitioner that the said appeal is pending consideration before the first respondent. It is further submitted by the learned counsel that no orders have been passed either in the suspension application or in the main appeal filed by the petitioner before the first respondent. It is also submitted by the learned counsel that in view of the absence of any orders in the appeal, the respondent authorities are actively contemplating to dispossess the petitioner from the subject property and if the same is permitted, the petitioner will be put to irreparable loss and hardship.

6. It is submitted by the learned Government Pleader for Social Welfare that the present writ petition cannot be maintained before this Court under Article 226 of the Constitution of India, as the appeal is pending before the first respondent-appellate authority and the petitioner can pursue the appeal.

7. Having heard the learned counsel for petitioner and the learned Government Pleader, the Writ Petition is disposed of, directing the first respondent to pass appropriate orders on the appeal dated 07.08.2017, preferred by the petitioner against the orders of the second respondent in LTR Case No.11/2016/Tkp, dated 09.06.2017, within a period of three months from the date of receipt of a copy of this order, after giving opportunity of hearing to all the stakeholders, and till such exercise attains finality, *status quo* with regard to the subject

property shall be maintained. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE A.V.SESHA SAI

23rd February, 2018

sj

