

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.9029 of 2018

Date :4 .4.2018

Between:

Nizamuddin S/o Tajuddin
Aged about 42 years
R/o H NO. 8-4-546/18 Erragadda, Hyderabad

Petitioner

And

The State of Telangana
Rep by its Principal Secretary,
Revenue Department, Secretariat, Hyderabad and others

Respondents

The Court made the following:



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ORAL ORDER:

By order dated 27.1.2018, the Tahsildar-4th respondent passed orders holding petitioner's possession on the subject land is illegal and he is liable to be evicted from the subject land. On the same day, 4th respondent issued notice under Section 6 of A.P. Land Encroachment Act, 1905 directing petitioner to be evicted. Aggrieved by the said order, petitioner preferred appeal before the Revenue Divisional Officer under Section 10 of the Act, 1905. Pending consideration of the appeal, petitioner also filed interlocutory application seeking suspension of the orders of the Tahsildar. Alleging inaction and there is threat of dispossession, this writ petition is filed.

On instructions, learned Government Pleader submits that appeal is pending and if reasonable time is granted, appeal will be disposed of in accordance with law. Possession of the petitioner is not disputed. However, Government Pleader submits that under the guise of interim orders granted by this Court, petitioner is undertaking construction and same cannot be permitted.

Having regard to these submissions, while directing respondents not to evict the petitioner from the subject land, petitioner is also directed not to change the physical features of the property or create third party interest till appeal is disposed of. The Revenue Divisional Officer/3rd respondent is directed to consider the appeal and pass appropriate orders as warranted by law, after affording due opportunity to petitioner as expeditiously as possible preferably within a period of three months from the date of receipt of copy of this order. No costs. Accordingly, writ petition is disposed of. Having regard to the same, miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE:4-04-2018

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