

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.14180 OF 2018

Dated 23rd April 2018

Between:

A.Srinivas, S/o.Late A.Narasimlu.

...Petitioner

And

1. The State of Telangana, rep.by its
Secretary, Revenue Department,
Telangana Secretariat,
Hyderabad and three others.

...Respondents

The Court made the following:



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ORDER:

1. Heard learned counsel for the petitioner and learned Government Pleader for Revenue appearing for the respondents.

2. One Yellaiah was assigned land to an extent of Ac.0.30 gts in Survey No.119 situated at Elchipoor Village, Adloor Mandal, Kamareddy District on 04.03.1987. From the averments in the affidavit filed in support of the Writ Petition, it appears that assignee's land was purchased by others and later purchased by the petitioner or his father, as the case may be, on due consideration of the issue of sale. The Tahsildar, vide his proceedings dated 05.12.2013, resumed the land alleging violation of the provisions of the A.P. Assigned Lands (Prohibition of Transfer) Act, 1978 and the Mandal Revenue Officer was directed to take possession.

3. It is not in dispute that the possession was taken, though the learned counsel for the petitioner sought to contend that the possession was taken even before the order was passed. Earlier, the petitioner filed WP.No.9797 of 2018 alleging interference with the peaceful possession and enjoyment of the land admeasuring Acs.11.00 gts in Survey Nos.119, 119/AA, H, D, G, A, C, E, F and I situated at Eichipoor Village Mandal, Kamareddy District. When the Writ Petition was taken up for consideration, the Government Pleader produced the proceedings dated 05.12.2013 whereunder assignment was cancelled and resumption order was passed. That Writ Petition was dismissed granting liberty to challenge the resumption order. According to the learned counsel for the

petitioner, the petitioner filed an appeal on 11.04.2018 which was endorsed on 16.04.2018. Learned counsel for the petitioner also claims that the petitioner filed an application to grant interim order.

4. Since appeal is preferred and the Interlocutory Application is already filed, this Court is not expressing any opinion on the claim of the petitioner on resumption and that land was in continuous possession of the petitioner as it would be curtailing the discretion of the appellate authority in considering the appeal/application stated to be pending before him. Since the appeal was preferred only on 16.04.2018, it cannot be said that there is inaction on the part of the appellate authority. This Court cannot interfere at the interlocutory stage and interject the proceedings.

5. Leaving it open to prosecute the appeal as well as the interlocutory application, this Writ Petition is dismissed. However, it is needless to observe that if there is inordinate delay in considering his appeal/application, it is open for the petitioner to avail appropriate remedies. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand dismissed.

(P.NAVEEN RAO, J)

23rd April 2018
RRB