

HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.18114 OF 2018

ORDER:

Heard Mr. Muddu Vijay for petitioner, learned Assistant Government Pleaders for Revenue and Irrigation for respondents 1 to 4 and 6 respectively and Y.Rama Rao for respondent No.5.

The petitioner prays for Mandamus declaring the action of respondents 4 to 7 in forcibly entering into the property bearing H.No.18-13-140/A-1 to A-9 situated at Bandlaguda, Hyderabad and trying to dispossess the petitioner highhandedly when the appeal under Section 10 of the A.P. Land Encroachment Act, 1905 is pending before the 3rd respondent. In other words, the petitioner seeks preservation of subject matter of writ petition or protection of the alleged possession claimed by petitioner.

On 24.05.2018, at request of respondents time was granted for filing counter affidavit. On 13.06.2018, the Assistant Government Pleader for Revenue by referring to written instructions dated 11.06.2018 opposed the consideration of writ prayer on all fours.

After taking note of the preliminary objection raised by revenue and irrigation, this Court directed the respondents as follows:

“At request of Assistant Governments Pleaders for Irrigation and Revenue, post on 22.06.2018 under the same caption in daily list.

The instructions now placed before the Court by both the Assistant Governments Pleaders are not drawing parallel with the surprise now sprung. By relying on town survey register, according to respondents, Suram Cheruvu is a water body and covered by Sy.No.62. The petitioner

shows sub-divisions to Suram Cheruvu and relies on these documents. For the purpose of appreciating the classification, extent of water body, water shed etc., the Court directs the 3rd and 6th respondents to place before the Court the total record relating to Sy.No.62 or Suram Cheruvu”.

As directed, the record is placed for inspection. The petitioner also in support of his claim to right and title filed additional material papers. The petitioner challenging order under Section 6 of the A.P. Land Encroachment Act, 1905 filed appeal under Section 10 before the Revenue Divisional Officer/ 3rd respondent. The appeal is numbered as B/779/2018 and is yet to be disposed of.

After perusing the record produced by both parties, this Court is of the view that at this stage of the matter, the prayer made by the petitioner ought not to be considered. Mr.Vijay makes two requests, one for disposal of appeal No.B/779/2018 within four weeks from today and another to protect the interest by granting *status quo* in all aspects. The Assistant Government Pleader (Revenue) submits that the 3rd respondent is prepared to pass final orders in appeal No.B/779/2018 within time stipulated by this Court. On the question of retaining *status quo*, he submits that the petitioner is found to be an encroacher of Suraram tank and at this stage if the beautification or steps taken for protection of water body are stalled by the Court, the same would cause prejudice and also will be contrary to the directions issued by this Court in several Public Interest Litigations.

After taking note of respective submissions, the writ petition is disposed of by this order:

The 3rd respondent is directed to dispose of appeal No.B/779/2018 within four weeks from today. The Assistant Government Pleader is given liberty to communicate the direction issued by this Court for disposing of the appeal forthwith.

The development or change of physical feature in any manner is subject to the outcome of appeal or further orders the Court of competent jurisdiction would be passing in this behalf.

The writ petition is, accordingly, disposed of. There shall be no order as to costs.

Pending miscellaneous petitions, if any, stand closed.

22nd June, 2018

Lrkm



S.V.BHATT, J