

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 34382 of 2018

ORDER:

1) Heard learned counsel for the petitioners and learned Government Pleader for Revenue.

2) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of respondent No.2 in passing order in D.Dis.No.4076/2017/E1, dated 24.08.2018, thereby reversing the order of respondent No.3 in D.Dis.No.(C3)/831/2014, dated 17.07.2017, as illegal and arbitrary.

3) At the time when the matter is taken up for hearing, it is brought to the notice of this Court that challenging the orders of respondent No.2, dated 24.08.2018, an appeal came to be filed before respondent No.1 on 10.09.2018. Along with the said appeal, the petitioners also filed an application seeking interim relief. Learned counsel for the petitioners would submit that since no orders are passed in the interim application, till date, there is every possibility of the Tahsildar evicting the petitioners from the land and restore the same with the unofficial respondents, in view

of the orders passed by the Joint Collector – respondent No.2.

4) The same is opposed by the learned counsel for the unofficial respondents stating that since the appeal is filed along with stay application, it may not necessary for this Court to pass any orders. According to him, since it may take some time for the Tahsildar to take steps for eviction and restoring the land to the unofficial respondents, any order passed may influence respondent No.1, while deciding the appeal.

5) It is to be noted that by its order dated 24.08.2018, the Joint Collector directed the Tahsildar – respondent No.4 herein to issue notice under Section 4(2)(a) of The Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (Act 9 of 1977), evicting the respondents therein from the land and restore the land to the revision petitioners, who are the legal heirs of the original assignee, as per the process of law. At the same time, it is to be noted that the said order came to be passed by the Joint Collector reversing the order passed by the Tahsildar in favour of the petitioners.

6) Having regard to the above, the learned counsel for the petitioner apprehends that if no orders are passed at this stage, there is every possibility of Tahsildar

concerned, who has already taken some steps, may evict the petitioners, though they were successful before the Tahsildar.

7) Having regard to the above facts and circumstances of the case, respondent No.1, before whom the appeal is filed against the order of the Joint Collector, dated D.Dis.No.4076/2017/E1, dated 24.08.2018, is pending consideration, along with stay application, uninfluenced by the observations made, in the order referred to above, shall immediately take up the interim application filed along with the appeal and pass appropriate orders, after hearing the petitioners as well as the respondents, in accordance with law. It is needless to mention that the said exercise shall be completed as early as possible, preferably within a period of three to four weeks from the date of receipt of a copy of the order. Till such time, *status-quo* as on today to be maintained with regard to possession of the property in dispute.

8) Miscellaneous petitions, pending if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE C. PRAVEEN KUMAR

25.09.2018
vhb