

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.40333 of 2018

ORDER :

Case of the petitioners is that when an eviction order is passed against them in R.C.A.187/2007, dated 10.08.2007 by the 3rd respondent/Tahsildar, petitioners have filed appeal before the Revenue Divisional Officer and the same was numbered as Appeal No.D.Dis.D/1279/ 2007. Ultimately, the said appeal was allowed on 01.04.2017 setting aside the order of the Tahsildar, dated 10.08.2007 and matter was remanded back to the 3rd respondent. Now, the 3rd respondent, without passing fresh orders, is trying to enforce his earlier order dated 10.08.2007, which was set aside by the appellate authority vide order dated 01.04.2017, and is trying to evict the petitioners. Aggrieved by the same, the present writ petition is filed.

Heard learned counsel for petitioners and the learned Assistant Government Pleader.

A perusal of the order dated 01.04.2017 goes to show that the order dated 10.08.2007 passed by the 3rd respondent is set aside by the appellate authority, as such, the 3rd respondent cannot evict the petitioners by relying on the said order dated 10.08.2007. The 3rd respondent is expected to pass fresh orders in terms of the order dated 01.04.2017, if not already passed.

In view of the same, the 3rd respondent cannot rely on his earlier order dated 10.08.2007 for eviction of petitioners. However,

it is open for the 3rd respondent to pass orders afresh in pursuance of the appellate authority's order dated 01.04.2017 and take action accordingly. It is open for the petitioners to file necessary documents before the 3rd respondent.

Subject to above directions, the writ petition is disposed of.
No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

A. RAJASHEKER REDDY, J

23rd November, 2018

ajr

