

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.1170 of 2019

ORDER:

This petition is filed for a writ of *Mandamus* declaring the action of the respondents 3 and 4 in issuing notice of eviction dated 09.01.2019 under Telangana Public Premises (Eviction of unauthorized occupants) Act, 1968 (*for short 'the Act'*), as arbitrary and illegal and violative of rights guaranteed by the Constitution of India.

Heard Sri Ch.Venkat Raman, learned counsel for the petitioner and Sri J.Srinivasa Rao, learned Standing Counsel for respondents.

It has been contended by the petitioner that he is an employee of the respondents-Singareni Collieries; that disciplinary authority has imposed punishment of dismissal vide orders dated 25.12.2018; and that there is a provision of appeal against the orders of Disciplinary Authority to the next Appellate Authority. While so, though the time prescribed to prefer an appeal i.e. 45 days is subsisting, without waiting for the petitioner to prefer appeal against the orders of dismissal and without giving an opportunity to the petitioner, treating the petitioner as an unauthorized occupant of the quarter occupied by him, the respondents issued notice of eviction dated 09.01.2019 under the Act asking the petitioner to show cause as to why an order of eviction should not be made

against him. The petitioner further contends that he has time to prefer appeal up to 10.02.2019 and thereafter the appellate authority has to decide the appeal in accordance with law and pass appropriate orders.

Learned Counsel for the petitioner contends that the action of respondents in issuing notice of eviction against the petitioner vide proceedings dated 09.01.2019 is nothing but victimization of the petitioner. He further contends that till the appeal to be preferred by the petitioner is filed before the appellate authority and till the appellate authority decides the appeal preferred by the petitioner, in accordance with law, the proceedings initiated against the petitioner under the Act, 1968, be suspended.

The learned Standing Counsel for the respondents, on instructions, submitted that the impugned order is only a notice served on the petitioner on 09.01.2019, but no orders of eviction have been passed, and however opportunity will be given to the petitioner at every stage under the Act. He further contends that the proceedings initiated under the Act, will not be insisted upon the petitioner, until and unless the appeal to be filed by the petitioner is adjudicated by the appellate authority.

In view of the aforesaid submissions, this writ petition is disposed of directing the respondents not to proceed against the petitioner in respect of his eviction of quarter under the

Act, until the appeal likely to be preferred by the petitioner is disposed of in accordance with law. No order as to costs.

As a sequel there to, miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

01.02.2019
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