

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.3182 of 2019

ORDER:

The prayer of the petitioner in this case reads as under:

For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the inaction of respondent No.3 herein in threatening to dispossess/evict the petitioner from her lawful possession in respect of the plot bearing No.254 in Sy.No.25/2 admeasuring 50 Sq yards out of 100 Sq Yards situated at Syed Nagar, Pet Basheerabad village, Qutbullapur Mandal, Ranga Reddy District without passing any orders on the explanation dt 13.02.2019 submitted to the notice dt 29.01.2019 bearing No. B/34/2019 as being illegal, arbitrary, unjust and unconstitutional and consequently direct the 3rd respondent not to take any coercive steps without following the due process of law and to grant such other order or orders as this Honourable Court may deem fit and proper in the facts and circumstances of the case."

It appears that the Tahsildar, Qutbullapur Mandal, Medchal-Malkajgiri District, issued notice dated 29.01.2019 to the petitioner under Section 7 of the Telangana Land Encroachment Act, 1905 (for brevity, 'the Act of 1905'), and the petitioner submitted her response thereto on 13.02.2019. At this stage, the petitioner apprehends that the Tahsildar, Qutbullapur Mandal, Medchal-Malkajgiri District, may resort to dispossessing her from the subject land without considering her explanation and without passing a final order. This is the basis for filing of this Writ Petition.

Perusal of the record reflects that the petitioner earlier filed Writ Petition No.43377 of 2018 and secured an interim order therein on 29.11.2018 to the effect that the Tahsildar, Qutbullapur Mandal, Medchal-Malkajgiri District, should not dispossess or interfere with

her possession in respect of the subject land without following the due process of law.

It appears that the notice dated 29.01.2019 under Section 7 of the Act of 1905 was the result of the aforestated order permitting the authorities to take action in accordance with the due process of law.

As the petitioner is already protected by the interim order dated 29.11.2018 granted in Writ Petition No.43377 of 2018 which is in operation, there is no cause for filing of this Writ Petition.

The Writ Petition is accordingly dismissed on this short ground.

Pending Miscellaneous Petitions, if any, shall also stand dismissed. No order as to costs.

18th February, 2019
dr

JUSTICE SANJAY KUMAR