

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.4141 OF 2019

DATED :06.03.2019

Between :

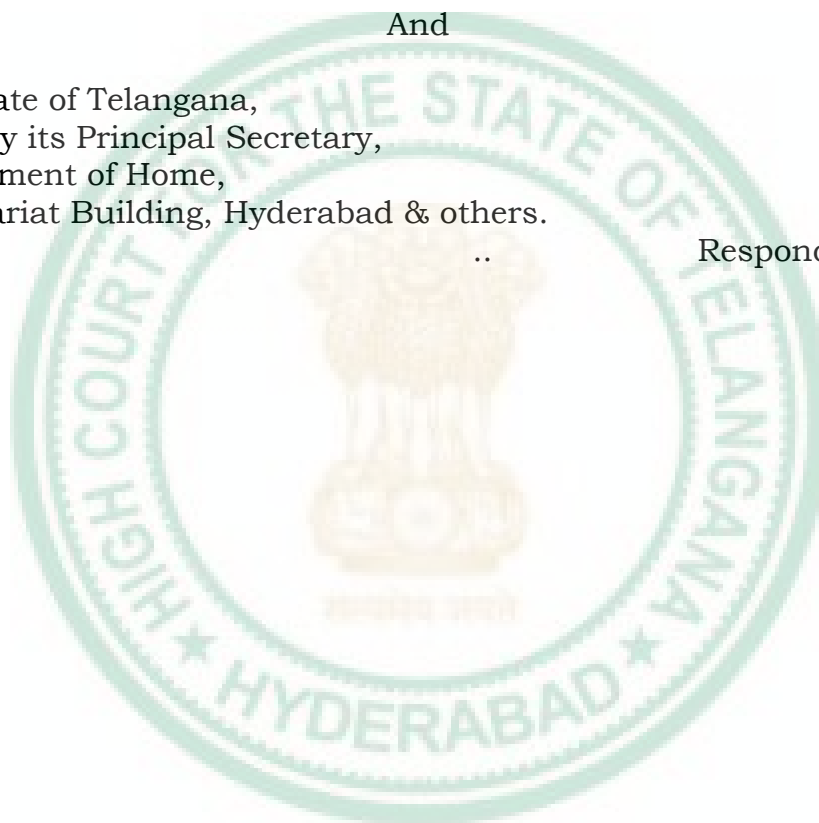
Kollu Satyanarayana S/o.Venkaiah,
Aged about 50 yrs, Occu : Singareni Employee,
R/o.H.No.2-1-355, Manuguru Village and mandal,
Khammam District.

.. Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
Department of Home,
Secretariat Building, Hyderabad & others.

.. Respondents



This court made the following :

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.4141 OF 2019

ORDER :

Heard learned counsel for petitioner and learned Government Pleader for Home for respondents 1 to 3.

2. The plaintiff who is the 4th respondent herein instituted O.S.No.395 of 2016 in the Court of Sub-Divisional Magistrate (Special Assistant Agent to Government) Mobile Court at Bhadrachalam. The Court initially granted injunction order and directed the suit to be listed on 02.11.2016. On receiving notice, petitioner claim to have entered appearance on 21.09.2016. However, on 28.10.2016 by advancing the date of hearing, police protection order is passed in I.A.No.555 of 2016. Petitioner alleges that he was not given prior notice before advancing the suit and granting police protection.

3. Learned counsel for petitioner points out that even though several times request was made for assigning date of hearing of suit, so far no date is assigned and the same is illegal. According to learned counsel, in the guise of police protection, 4th respondent and police are harassing the petitioner, and affecting his rights and properties in issue.

4. This Court is not entering into the rival claims in the suit, since the suit is pending consideration by the Special Assistant Agent to Government. However, there appears to be merit in the contention of learned counsel for petitioner that though the date of hearing was fixed as 02.11.2016, it was advanced without

notice to petitioner and the order of police protection was passed and thereafter, no further date is given. When a litigation is pending before the adjudicating authority, it is mandatory that appropriate dates have to be fixed and matters to be taken up based on the date already fixed, but cannot leave the case without assigning any date, more so, when request is made and earlier adverse orders are passed.

5. Having regard to the above, the Sub-Divisional Magistrate (Special Assistant Agent to Government) is directed to fix the date of hearing of O.S.No.395 of 2016, by putting on notice the plaintiff as well as the defendants therein and expedite the hearing of case. Suitable date should be assigned as per his convenience and the same shall be informed to the parties within four (4) weeks from the date of receipt of copy of this order.

6. With the above directions, the Writ Petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed.

06th March, 2019
Rds

P.NAVEEN RAO,J