

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.4028 of 2019

ORDER:

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

'For the reasons stated in the accompanying affidavit, it is 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 action of Respondent No.3 in not taking steps to dispose of the case in File No.B/247/2018 and also the interlocutory application filed seeking interim orders in respect of land in Sy.No.68 (Ac.1.06 gts) and land in Sy.No.453 (Ac.1.32 gts), situated at Budvel Village, Rajendranagar Mandal, R.R. District as arbitrary, illegal and violative of Article 14, 21 and 300A of Constitution of India and consequently direct the Respondent No.3 to take steps to dispose of the case in File No.B/247/2018 and also the interlocutory application filed seeking interim orders by fixing a time frame and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.'

In the light of the order proposed to be passed by this Court without going into the merits of the matter, it would not be necessary to put the unofficial respondents on notice or afford them an opportunity of hearing.

Perusal of the record reflects that the petitioners filed an application under Section 32 of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950 (for short, 'the Act of 1950'), which was taken on file by the Tahsildar, Rajendranagar Mandal, Ranga Reddy District, as File No.B/247 of 2018. The petitioners filed an interlocutory application therein practically conferring the power of a civil Court upon the Tahsildar and requiring him to grant an ad interim

injunction restraining the respondents in the said case from alienating the petition schedule property.

The Tahsildar has no such power of granting interim injunctions of this nature. The I.A. filed by the petitioners before the Tahsildar was therefore utterly misconceived and does not warrant any action being taken thereupon by the Tahsildar. However, as the petitioners main case under Section 32 of the Act of 1950 requires to be examined by the Tahsildar, as a statutory authority, it is for him to take necessary steps by putting the respondents therein on notice; afford an opportunity of hearing to both parties; and pass an order on merits under intimation to both parties. This exercise shall be completed expeditiously.

The writ petition is disposed of accordingly.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

Date:27.02.2019

GJ

JUSTICE SANJAY KUMAR