

THE HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.5362 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 the 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 the Respondents in trying to dispossess the Petitioner from the land in Survey No.379 admeasuring Ac.0-30 Gts., situated at Sircilla Village & Mandal, Rajanna Sircilla District (old Karimnagar District) belongs to the Petitioner, pending disposal of the Appeal before the 2nd Respondent as illegal, null, void and arbitrary and consequently direct the 2nd Respondent to dispose of the Appeal filed against the orders of the 3rd Respondent in Proceedings No.B/965/2018 dated 05-03-2018 and to pass such other order or orders as this Hon’ble Court may deem fit and proper in the interests of justice.’

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 fourth respondent on notice or afford him an opportunity of hearing at this stage.

It is an admitted fact that aggrieved by the order dated 05.03.2018 of the Tahsildar, Sircilla Mandal, Rajanna Sircilla District, the petitioner preferred an appeal under Section 5(5) of the Telangana Rights in Land and Pattadar Pass Books Act, 1971 (*for brevity*, ‘the Act of 1971’) and the same was received by the Revenue Divisional Officer, Rajanna Sircilla District, in March, 2019. The endorsements made on the appeal and the stay petition filed therein bear out that the office of the Revenue Divisional Officer, Rajanna Sircilla District, received the same on the said

date. As the petitioner has already approached the appellate authority in relation to the order dated 05.03.2018 passed by the Tahsildar, Sircilla Mandal, Rajanna Sircilla District, it would not be appropriate for this Court to go into the merits of the matter.

Sri P.Venugopal, learned senior counsel representing Sri K.Durga Prasad, learned counsel for the petitioner, would assert that there is an urgency in the matter. It would suffice at this stage to direct the appellate authority to consider the petitioner's stay application in the first instance and take appropriate action thereon as deemed fit.

The writ petition is accordingly disposed of directing the Revenue Divisional Officer, Rajanna Sircilla District, to take up the stay application in the petitioner's appeal filed against the order dated 05.03.2018 passed by the Tahsildar, Sircilla Mandal, Rajanna Sircilla District, in the event the stay application and the appeal have been numbered, and pass appropriate orders thereon on merits in accordance with law expeditiously and in any event, not later than two weeks from the date of receipt of a copy of this order, be it from whatever source.

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

SANJAY KUMAR, J

15th MARCH, 2019

Note: Issue C.C. by 18.03.2019
B/ o Svv