

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.16678 OF 2019

ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for Transport.

2. This writ petition is filed challenging the decision of the Tahsildar, dated 17.06.2019, wherein the Tahsildar declared the purchase made by Smt.Aljapur Rambai as null and void and cancelled the illegal transfer of the assigned land and issued directions to restore possession and correct the revenue records and issue Pattadar pass books to the assignee. Aggrieved thereby, the petitioners preferred appeal to the Revenue Divisional Officer along with an application to grant stay of the said order.

3. Learned counsel for the petitioners submitted that while the appeal preferred by the petitioners is pending consideration, the official respondents are trying to dispossess the petitioners. The petitioners are in possession of the property from a long time and in fact, there was a settlement between the petitioners and the assignee and in terms thereof, the property is vested with the petitioners and hence, the petitioners cannot be evicted.

4. Per contra, learned counsel appearing for the 5th respondent submits that in compliance of the orders passed by

the Tahsildar, possession is restored to the 5th respondent and that she is in possession of the property.

5. Learned counsel for the petitioners submitted that against the orders of the Tahsildar, appeal is already preferred along with an application to grant interim suspension before the 3rd respondent and the same are pending and that the 3rd respondent may be directed to dispose of the said application.

6. Having regard to the above, the writ petition is disposed of leaving it open to the petitioners to pursue the pending appeal and the 3rd respondent - Revenue Divisional Officer is directed to consider the application to grant stay and pass appropriate orders after giving opportunity to the petitioners and the unofficial respondent, within a period of two (2) weeks from the date of receipt of a copy of this order. Till the orders are passed by the 3rd respondent - Revenue Divisional Officer on the stay application, status quo as on today shall be maintained, provided appeal is received and pending. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO, J

August 06, 2019

KTL