

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.23040 OF 2019

Date: 23.10.2019

Between:

Tettu Jayamma, w/o. Yetti Veeraiah, Aged 52 years,
Occu: Housewife, r/o. H.no.8-252/10, Sainagar Colony,
Near Sai Baba Temple, Charla village and mandal,
Bhadradri Kothagudem district.

.....Petitioner

and

The State of Telangana, rep.by its Prl.Secretary,
Revenue Department, Secretariat, Hyderabad
and others.

.....Respondents



The Court made the following:

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ORDER:

By order dated 03.10.2019, the Tahsildar passed orders under Section 6 of the Telangana Land Encroachment Act, 1905 (Act, 1905) holding that petitioner is liable for eviction from possession of the schedule Government land and the existing house under the process of unauthorized construction shall be forfeited to the Government. On the same day, notice was issued under Section 6 of the Act, 1905 for eviction granting 15 days time.

2. According to Section 10, remedy of appeal is available against the order made under Section 6 of the Act, 1905 by the Tahsildar and Sub-section (2) also vests power in the appellate authority to grant suspension of the order under appeal. Section 11 of the Act, 1905 prescribes period of limitation to prefer appeal. Be that as it may, petitioner has already preferred appeal and also filed application to grant stay. Thus, respondents could not have taken up further proceedings even before the appeal is considered by the appellate authority.

3. Appeal preferred by the petitioner to the appellate authority and interlocutory application stated to have been filed before the appellate authority, if the same were already received and pending, pending consideration of the interlocutory application, notice issued under Section 6, dated 03.10.2019, shall not be given effect to. The Revenue Divisional Officer (2nd respondent) is also directed to hear the interlocutory application within a period of two weeks from the date of receipt of copy of this order. It is also open to him to decide the appeal on merits as expeditiously as possible. Writ Petition is accordingly disposed of. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

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