

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.26479 OF 2019

Dated:29.11.2019

Between:

Kondaveeti Venkateshwar Rao,
S/o. Late Papa Rao and others

.. Petitioners

And

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

.. Respondents



This Court made the following:

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ORDER:

Heard learned counsel for the petitioners, learned Government Pleader for Revenue for respondents 1 to 3 and learned Government Pleader for Panchayat Raj for respondent No.4.

2. Petitioners are aggrieved by the orders of the Sub Collector, Bhadrachalam, dated 07.09.2019, on an appeal preferred by them against the orders of the Tahsildar, Bhadrachalam, declaring them as encroachers of the Government land. Aggrieved by the same, petitioners preferred revision, which was acknowledged by the Revenue Department of Secretariat and the same is pending. While so, this Writ Petition is filed alleging that even before the revision is decided, the respondent authorities are trying to dispossess the petitioners from the land admeasuring Acs.5.22 guntas in Survey No.207/6 of Bhadrachalam Village. Petitioners contend that they have grown eucalyptus plants and if they are deprived of possession, at this stage, grave prejudice would be caused to them.

3. Per contra, learned Government Pleader for Revenue submits that the subject land is in the midst of the town and petitioners are not in possession of the same. He also submits that the revenue authorities are consulting the Forest Department to make an assessment of the eucalyptus trees and even if possession is granted to the petitioners, the trees cannot be cut and unless the

trees are cut, its value will diminish and it would be disadvantageous to the petitioners also.

4. Since there is a dispute regarding possession and the claim of encroachment is pending before the revisional authority, no opinion can be expressed, at this stage. However, at the same time, petitioners cannot be permitted to be in occupation of the subject land nor can be permitted to cut the eucalyptus trees, even assuming that they have grown the eucalyptus trees. Therefore, the parties are directed to maintain *status quo* obtaining as on today and the respondent authorities shall ensure that the valuation of the plants be carried out, but no plants shall either be cut by the petitioners or by the revenue authorities till a decision is made by the revisional authority. The revisional authority shall consider the revision and pass appropriate orders as expeditiously as possible, preferably within a period of six weeks from the date of receipt of a copy of this order by assigning due reasons in support of its decision and communicate the said decision to the petitioners.

5. The Writ Petition is accordingly disposed of. Pending miscellaneous petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:29.11.2019

KH