

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 26894 of 2019

Date : 5.12.2019

Between:

Vathsavai Sridhar Varma
S/o Suryanarayana Raju
Aged about 46 years agriculture
residents of H No 6-79 Bheemavaram Village
T Kothagudem Gram Panchayat
Pinapaka Mandal
BhadradriKothagudem District& another

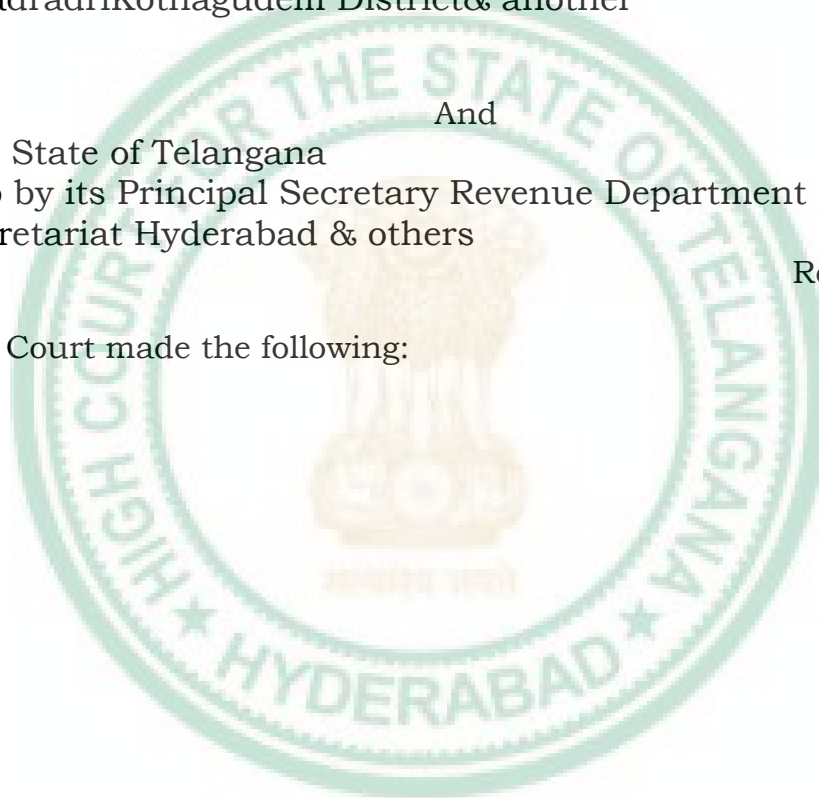
Petitioner

And

The State of Telangana
Rep by its Principal Secretary Revenue Department
Secretariat Hyderabad & others

Respondents

The Court made the following:



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ORAL ORDER:

Heard learned counsel for petitioners and learned Government Pleader for Revenue and with their consent the writ petition is taken up for disposal at the admission stage.

2. By proceedings dated 25.11.2019 made under Land Encroachment Act, 1905, petitioner was declared as encroacher and was ordered to vacate the land, demolish the structure and handover the land to the Government. Aggrieved by the said orders, petitioners preferred appeal to Revenue Divisional Officer and the same was acknowledged on 26.11.2019. While so, this writ petition is filed alleging that without considering the appeal preferred by petitioners, respondent authorities are now seeking to demolish the building by taking police protection and same would cause irreparable loss and suffering to petitioners and structures cannot be restored, in the event petitioners succeeding before the appellate authority. Copy of the appeal preferred by the petitioners acknowledged by office of Sub-Collector on 26.11.2019 is filed as Ex.P-3. Along with appeal, petitioners also filed application seeking stay of the orders of the Tahsildar.

3. It appears, said application and appeal are pending consideration before the appellate authority. In view thereof, without expressing any opinion on the merits of the matter, writ petition is disposed of directing the appellate authority to dispose of the appeal expeditiously, preferably within a period of eight weeks from the date of receipt of copy of this order by affording due opportunity to petitioners.

Till disposal of the appeal and communication of the decision made by the appellate authority assigning reasons in support of the decision, the subject building shall be in the custody of the Tahsildar-4th respondent and building shall not be demolished. It is open to petitioners to raise all contentions as available to them in law. Miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

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