**HIGH COURT FOR THE STATE OF TELANGANA**
**AT HYDERABAD**

**(Special Original Jurisdiction)**

THURSDAY ,THE TENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY

**PRESENT**

**THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

**WRIT PETITION NO: 15840 OF 2020**

**Between:**

M. Srinivas Shanker, S/o Late M.Kondaiah, Aged.38 years, R/o.5-9-560, Gunfoundry, Abids, Hyderabad - 500001.

**...PETITIONER**

**AND**

1. The State of Telangana, Rep by its Special chief Secretary, Revenue Department(Services II), Secretariat Buildings, Secretariat, Hyderabad.
2. The Chief Commissioner of Land Administration, Telangana State, Hyderabad.
3. The T.S. Election Commissioner, 5th Floor, Budha Bhavan, Hyderabad. Represented by its CEO.
4. The District Collector, Nalgonda, Nalgonda District.

**...RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of the Writ of Mandamus, declaring the action of the respondent No.4 is issuing the suspension order vide Procdgs.No.A1/4111/2019-2 dated 15/09/2019 and the consequential order of the second respondent in CCLAs Endoresment No.Ser.III(1)/953/2019 dated 10/06/2020 as arbitrary, illegal, unjust and violative of Rule 13 of CCA Rules and consequently directly the respondent authorities to set aside the same.

**IA NO: 1 OF 2020**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the order of fourth respondent issued vide Procdgs.No.A1/4111/2019-2 dated 15/09/2019 and the consequential proceedings of the second respondent issued in CCLAs Endorsement No.Ser.III(1)/953/2019 dated 10/06/2020, pending disposal of the above writ petition and pass

**Counsel for the Petitioner : Ms. B. RAJESWARI**

**Counsel for the Respondents: GP FOR SERVICES-II**

**The Court made the following: ORDER**

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

**WRIT PETITION No.15840 of 2020**

**ORDER:**

This writ petition is being disposed of at the admission stage with the consent of both parties.

This writ petition is filed seeking the following relief:

> "..... to issue an appropriate writ, order or direction, more particularly one in the nature of the Writ of Mandamus declaring the action of the respondent No.4 is issuing the suspension order vide Proceedings No.A1/4111/2019-2 dated 15/09/2019 and the consequential order of the second respondent in CCLA's Endorsement No.Ser.III(1)/953/2019 dated 10/06/2020 as arbitrary, illegal, unjust and violative of Rule 13 of CCA Rules and consequently directly the respondent authorities to set aside the same .....".

Heard Ms.B.Rajeshwari, learned counsel appearing for the petitioner and the learned Government Pleader for Services-II appearing for the espondents.

It has been contended by the petitioner that he is working as a Tahsildar and the District Collector has placed him under suspension vide proceedings dated 15.09.2019 alleging that he has illegally transferred the Government land in favour of the private individuals. The District Collector is competent to place him under suspension for a period of three months and later on, the said order of the District Collector has to be ratified by the Chief Commissioner of Land Administration. But, in the instant case, the Chief Commissioner of Land Administration has not ratified the suspension order and continued him under suspension beyond three months contrary to the Rules.

Therefore, learned counsel appearing for the petitioner contended that the order passed by the District Collector cannot be enforced, after expiry of three months and the competent authority to continue the petitioner under suspension beyond three months is the Chief Commissioner of Land Administration. Therefore, the impugned suspension order is liable to be set aside only on the ground that the District Collector order was not ratified by the Chief Commissioner of Land Administration.

Learned Government Pleader appearing for the respondents contended that the proposal is submitted by the District Collector to the Chief Commissioner of Land Administration. But, so far the Chief Commissioner has not ratified the suspension order of the petitioner.

This Court, having considered the rival submissions made by the parties, is of the considered view that when the Chief Commissioner of Land Administration has not ratified the suspension order issued by the District Collector, the question of continuing the petitioner under suspension beyond three months is contrary to the Rules. Therefore, the impugned order is liable to be set aside and the same is accordingly set aside.

Accordingly, the writ petition is allowed. No costs.

Pending miscellaneous petitions, if any, shall stand closed.

**SD/-K.VENKAIAH**
**ASSISTANT REGISTRAR**

**//TRUE COPY//**

**SECTION OFFICER**

**To,**

1. The State of Telangana, Special chief Secretary, Revenue Department (Services II), Secretariat Buildings, Secretariat, Hyderabad.
2. The Chief Commissioner of Land Administration, Telangana State, Hyderabad.
3. The T.S. Election Commissioner, 5th Floor, Budha Bhavan, Hyderabad. Represented by its CEO.
4. The District Collector, Nalgonda, Nalgonda District.
5. One CC to Ms. B. Rajeswari Advocate [OPUC]
6. Two CCs to GP for Services-II, High Court for the State of Telangana at Hyderabad. [OUT]
7. Two CD Copies

HIGH COURT

DATED:10/12/2020




ORDER

WP.No.15840 of 2020

ALLOWING THE WP

WITHOUT COSTS

29/12/20