HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO. 16833 OF 2020

Between:

1. Lingampalli Ravi, S/o Appaiah, R/o Kamepalli Village and Mandal, Khammam District.
2. Puchakayala Ramakrishna, S/o Appa Rao, R/o Kamepalli Village and Mandal, Khammam District
3. Mothukuri Venkateswarlu, S/o Pichaiah, R/o Kamepalli Village and Mandal, Khammam District.
4. Puchakayala Venkateswwarlu, S/o Agaiah, R/o Thallagudem Kamepalli Mandal, Khammam District.
5. Puchakayala Lingaraju, S/o Agaiah, R/o Thallagudem, Kamepalli Mandal, Khammam District
6. Puchakayala Appa Rao, S/o. Janaki Ramaiah, R/o Thallagudem, Kamepalli Mandal, Khammam District.
7. Puchakayala Erra Narasaiah, S/o Venkataswamy, R/o Thallagudem, Kamepalli Mandal, Khammam District
8. Nelluri Venkiatappahai, S/o Gopaiah R/o Thallagudem, Kamepalli Mandal, Khammam District

...PETITIONERS

AND

1. The State of Telangana, Rep by its Principal Secretary, Tribal Welfare, Secretariat, Hyderabad
2. The Additional Agent, to Government Project officer, ITDA, Bhadrachalam.
3. Agency Divisional Officer, Khammam District
4. The Tasildar, Kamepalli, Khammam 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 pass an order or direction or writ, particularly in the nature or Mandamus duly declaring action of the 1st respondent herein in rejecting the stay application in the revision petition vide Memo No. 713/713/TWLTR/2020, dated 10/09/2020 pending revision petition, against the orders in CMA No. 11/2019 of The Additional Agent to Government, Project officer, ITDA, Bhadrachalam in respect of land to an extent of Ac. 11.00 in Sy No. 640/n of Kamepalli Village, without any notice or affording any opportunity for the petitioners of being heard, as illegal, arbitrary and against the principles of natural justice and consequently set aside the proceeding in Menu No. 713/713/TWLTR/2020, dated 10.09.2020 and suspend the order in LTR Case No.

3/2016/Kmpl pending disposal of the revision petition before the Government against the orders in CMA 11/2019, dated 24/06/2020 in the interest of justice.

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 stay the operation of order in LTR Case No. 3/2016/Kmpl, including the ejectment in respect of lands to an extent of Ac. 11.00 in Sy No. 640/a of Kamepalli Village, pending consideration of Revision Petition before the Government against orders in CMA 11/2019, dated 24/06/2020 in the interest of justice.

Counsel for the Petitioners: SRI P. RAMA SHARANA SHARMA

Counsel for the Respondents: SRI CHALAKANI VENKAT YADAV, GP FOR SOCIAL WELFARE

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 16833 of 2020

ORDER:

Heard learned counsel for petitioners and Sri Chalakani Venkat Yadav, learned Government Pleader for Social Welfare.

The facts on record disclose that the proceedings began in 2015. Respondent No.3 - Agency Divisional Officer, Khammam District, passed order dated 07.10.2016 for eviction of the petitioners. The petitioners challenge the same by filing CMA.No.11 of 2019 before respondent No.2 - Additional Agent to Government, Project Officer, ITDA, Bhadrachalam, who in turn, dismissed the same vide order dated 24.06.2020. Aggrieved by the same, they filed a revision before respondent No.1 State with 62 days delay. Respondent No.1 while condoning the delay rejected the stay petition, vide order dated 10.09.2020.

All through, the petitioners are in possession. If the Ejectment Order is implemented, the proceedings will become infructuous. In view of the same, respondent No.1 State ought to have considered the case and granted stay of eviction. Though the learned Government Pleader asserts that the petitioners are pressurizing the State authorities to pass orders, dispossession likely to result in would cause injury to the petitioners. In view of

the same, the petitioners approaching this Court cannot be found fault with.

In those circumstances, this Writ Petition is disposed of with the direction to respondent No.1 to take up the appeal and pass orders after hearing the parties concerned within a period of four (4) months from the date of receipt of a copy of this order. Till final orders are passed in the appeal, no ejection of the petitioners shall be made.

Miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

SD/-K.VENKAIAH
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, State of Telangana, Tribal Welfare, Secretariat, Hyderabad
2. One CC to Sri P. Rama Sharana Sharma, Advocate [OPUC]
3. Two CCs to Sri Chalakani Venkat Yadav, GP for Social Welfare, High Court for the State of Telangana at Hyderabad. [OUT]
4. Two CD Copies.

MP

HIGH COURT

DATED:15/12/2020

ORDER

WP.No.16833 of 2020



DISPOSING OF THE WRIT PETITION WITHOUT COSTS

SSV
6 copies
Dt 23/12/2020