

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.29282 of 2019

ORDER:

The petitioner is challenging the memo dated 28.12.2019 informing him that in violation of the status quo order passed by the High Court, the petitioner is undertaking construction in land in survey No.281 part of Mamidipally Village. By this memo, the Tahsildar directs Mandal Giridavar, Balapur Mandal and the VRO, Mamidipally Village to take necessary action to stop and demolish the illegal construction.

2. In the notice, the Tahsildar refers the order passed by this Court in W.P.No.34370 of 2018 dated 26.09.2018. In the said order while granting liberty to the State Waqf Board to protect their properties belonging to the Waqf institution by invoking Section 54 of the Waqf Act and further granted liberty to the Waqf Board to take necessary action if status quo order granted by the High Court in W.P.No.34370 of 2018 is violated.

3. Learned counsel for the petitioner contends that in W.P.No.34370 of 2018 survey No.281 part is not the subject matter and therefore, the Tahsildar erred in issuing such notice referring to the orders passed by this Court in WP.No.37370 of 2018 and the said action is ex-facie illegal.

4. Learned Standing Counsel placed before this Court the status quo order passed by this Court in W.P.M.P.No.6545 of 2008 in W.P.No.5039 of 2008. From the said order, it is seen that the prayer in the W.P.M.P. was to grant interim injunction restraining the respondents from changing the nature of land, making construction and creating third party interest in respect of land admeasuring 286 acres in various survey numbers including

survey No.281. The Court granted order to maintain status quo obtaining as on that date by the parties.

5. As seen above, the survey No.281 is also subject matter of W.P.No.5309 of 2008 and the status quo granted by this Court operates against any activity to be taken up in the said land. The Court informed that W.P.No.5309 of 2008 is still pending for consideration.

6. In view thereof, there is no error in the memo issued by the Tahsildar. Accordingly, this Writ Petition is dismissed. It is open for the petitioner to work out his any other grievance. Miscellaneous petitions, if any, shall stand closed.

Date: 06.01.2020
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P. NAVEEN RAO, J

