

HONOURABLE MRS JUSTICE SUREPALLI NANDA

W.P.No.23943 OF 2022

ORDER :

Heard both sides and perused the material on record.

2. The case of the petitioners is that, the petitioners purchased the land in an extent of Ac.6-12 gts., in Sy.No.398/1 of Gudur village, Gudur Mandal, Mahaboobabad District in the year 1968 and since the date of purchase of subject land, they are in possession and enjoyment without any interference from anyone. While so, the respondent Nos.3 and 4 came to the subject land and started interfering with the petitioners' right over the subject land. When the petitioners enquired with the staff of respondent Nos. 3 and 4, as to why they were interfering with their rights over the subject land, they replied that the subject land is a Government land and the petitioners are in illegal encroachment of the same.

3. The petitioners submit that curiously, the respondent No.4 issued the eviction notice in Rc.No.B/189/2017 dt.

24.04.2017 and the petitioners were constrained to file Writ Petition No.17255 of 2017 on the file of this Hon'ble Court seeking Writ of Mandamus declaring the action of respondent No.4 in issuing the eviction notice in Rc.No.B/189/2017 dt. 24.04.2017. The Hon'ble High Court was pleased to dispose off the said writ petition vide its order dated 25.05.2017 directing the petitioners to submit explanation to the show cause notice dt.24.04.2017 by the respondent No.4, and further directed the respondent No.4 to consider the explanation and pass appropriate orders in accordance with the law.

4. The petitioners further contend that respondent No.4 issued proceedings in Rc.No.B/189/2017 dt.08.03.2017 without considering the explanation submitted by the petitioners. Aggrieved by the order in Rc.No.B/189/2017 dt.08.03.2017, the petitioners approached this Hon'ble Court by filing a Writ Petition No.14527 of 2022 and this Hon'ble Court was pleased to pass its order dated 22.03.2022 as follows:

“The writ petition is disposed of directing the respondent No.4 to maintain status quo as on today till expiry of thirty days from today. Within such period, the petitioners shall take steps to prefer the appeal challenging the eviction order, dated 08.03.2022 passed by the respondent No.4. The petitioners are at liberty to move suspension/stay petition before the third respondent in the appeal, if any filed.”

5. The petitioners further contend that as directed by the Hon’ble Court, they petitioners filed appeal in proceedings No.A/438/2022 before the respondent No.3 along with suspension petition within 30 days on 18.04.2022 and the respondent No.3, however, dismissed the appeal without giving any proper reasons and without considering the petitioners’ submissions vide order in Appeal proceedings No.A/438/2022 dt.07.05.2022. Aggrieved by the same, the petitioners were constrained to file Appeal No.44 of 2022 before the respondent No.2 on 09.05.2022 along with stay petition and the said appeal is pending adjudication.

6. The petitioners further contend that respondent No.4 along with his staff interfered with the possession and

enjoyment and tried to dispossess them from the subject land on 08.05.2022 itself, even before completion of the statutory period of appeal. Therefore, the petitioners were constrained to file the present Writ Petition.

7. The present Writ Petition is filed by the petitioners seeking direction to the respondents not to dispossess the petitioners from the land in an extent of Ac.6-12 guntas in Sy.No.298/1 of Gudur village fields, Gudur Mandal, Mahaboobabad District, pending disposal of the appeal No.44 of 2022 on the file of the respondent No.2.

IA No.1 of 2022 in W.P. No.23943 of 2022 is filed to direct the respondents not to dispossess them from the land in an extent of Ac.6-12 guntas in Sy.No.298/1 of Gudur village fields, Gudur Mandal, Mahaboobabad District, pending disposal of the appeal No.44 of 2022 on the file of the respondent No.2.

8. In view of the clear admission in the affidavit filed by the petitioners in support of the present Writ Petition that the petitioners already filed Appeal No.44 of 2022 before the respondent No.2 on 09.05.2022 along with stay

petition, this Court is not inclined to pass interim orders as prayed for by the petitioners herein. This Court, however, directs the 2nd respondent to pass appropriate orders in the stay petition filed before the respondent No.2 by the petitioners on 09.05.2022, in Appeal No.44 of 2022 within a period of two weeks from the date of receipt of copy of this order.

9. Accordingly, the Writ Petition is disposed off. There is no order as to costs.

10. As a sequel thereto, miscellaneous petitions, if any, pending in this writ petition shall stand closed.

Date:26.05.2022

BDR

MRS SUREPALLY NANDA, J