

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**WEDNESDAY, THE TWENTY THIRD DAY OF MARCH
TWO THOUSAND AND TWENTY TWO**

PRESENT

**HONOURABLE THE CHIEF JUSTICE SATISH CHANDRA SHARMA
AND
THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

WRIT APPEAL NO: 953 OF 2018

Writ Appeal under clause 15 of the Letters Patent appeal filed against the order dated 5-09-2017 passed in writ petition No. 10282 of 2012 on the file of the High Court.

Between:

Chakali Nagabhushanam S/o Late Veeraiyah, Aged 60 years, Occ Washerman, R/o HNo 1-26-23, Soujanya Colony, Bapuji, Bowenpally, Secunderabad SECUNDRABAD

...APPELLANT/PETITIONER

AND

1. The Government of A.P. Rep. by its Prl. Secretary, Revenue Department, Secretariat, Hyderabad. HYD
2. The District Collector, Hyderabad District.
3. The Revenue Divisional Officer, Secunderabad Division, Hyderabad.
4. The Tahsildar, Tirumalagiri Mandal, Secunderabad Divn., Hyderabad District.

...RESPONDENTS/RESPONDENTS

IA NO: 1 OF 2018

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 operation of the orders passed in WP No.10282/2012 dated 05.09.2017 and pass such other order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case.

Counsel for the Appellant: SRI. MUMMANENI SRINIVASA RAO

Counsel for the Respondents: GP FOR REVENUE

The Court delivered the following:

THE HON'BLE THE CHIEF JUSTICE SATISH CHANDRA SHARMA

AND

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT APPEAL No.953 of 2018

JUDGMENT: *(Per the Hon'ble the Chief Justice Satish Chandra Sharma)*

The present writ appeal is arising out of an order dated 05.09.2017 passed by the learned Single Judge in W.P.No.10282 of 2012.

The facts of the case reveal that the writ petition was preferred by the appellant/writ petitioner being aggrieved by the action of the respondents in trying to demolish the house of the appellant/writ petitioner situated in Survey No.9, bearing door No.1-26-23 at Thokatta Village, Thirumalgherry Mandal, Soujanya Colony, Bapuji Nagar, Bowenpally, Secunderabad.

The learned Single Judge while disposing of the writ petition, in paragraphs 6 to 8 has held as under:-

"6) It is to be noted here that the request of the petitioner in the writ petition that the action of the

respondent in trying to take possession of the land without passing any orders on the application for regularization said to have been made by him in the year 2005 is illegal, improper and incorrect. The material placed before the Court would show that vide memo dated 26.04.2008, the petitioner was informed about the issuance of new G.O.Ms.No.166 and he was requested to file a fresh application for transfer of rights in terms of the said G.O. Thereafter the petitioner made an application which was rejected on 23.12.2010 vide proceedings in File No.R2/5858/2008. The record also shows that another notice was issued under Section 7 of the Land Encroachment Act on 31.03.2012. An explanation was said to have been submitted by the petitioner to the said notice, but no orders are passed on the said explanation till date. Though an attempt was sought to be made that the petitioner is not in possession of the land and that the entire area is now handed over to Central Institute of Hindi, who are in possession of the land, but the petitioner claims to be in possession of the same. This being a question of fact, no finding can be given on the said aspect. By an order dated 12.04.2012, this Court granted status quo as on 12.04.2012 with regard to possession, which was initially for a period of four weeks but later extended to until further orders. Since the explanation given by the petitioner to the notice under Section 7 of the Land Encroachment Act, is still pending consideration, if the petitioner is in possession of the land, no coercive steps will be taken by the respondents till the orders are passed to the notice issued under Section 7 of the Land Encroachment Act, which in any event shall be within a

period of four (04) weeks from the date of receipt of a copy of the order.

7) With the above direction, the writ petition is disposed of. There shall be no order as to costs.

8) Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed."

The aforesaid findings of fact arrived at by the learned Single Judge reveal that proper notice was issued to the appellant/writ petitioner under Section 7 of the Land Encroachment Act and the appellant/writ petitioner has filed a reply in the matter. The learned Single Judge has directed the authorities not to take any coercive action till a final order is passed in the matter.

In the considered opinion of this Court, once the learned Single Judge has granted an order and has permitted the authorities to take a final decision in the matter, no further orders are required to be passed in the writ appeal.

The writ appeal stands disposed of accordingly.

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

SD/-K.SREINIVASA RAO
JOINT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Pri. Secretary, Revenue Department, Government of A.P. Secretariat, Hyderabad.
2. The District Collector,, Hyderabad District.
3. The Revenue Divisional Officer,, Secunderabad Division, Hyderabad.
4. The Tahsildar,, Tirumalagiri Mandal, Secunderabad Division, Hyderabad District.
5. One CC to Sri. Mummaneni Srinivasa Rao, Advocate [OPUC]
6. Two CCs to GP for Revenue, High Court for the State of Telangana. [OUT]
7. Two CD Copies.

PM

SV


HIGH COURT

DATED:23/03/2022

JUDGMENT

WA.No.953 of 2018



Disposing of the WP
Without costs.

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