

HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)
TUESDAY, THE TWENTY EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE
PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

WRIT PETITION NO: 33164 OF 2022

Between:

Byreddy Venkata Reddy, S/o. Late. Pratap Reddy, Occ. Agriculture, R/o. Anjaneyapuram village, H/o. Challasamudram Yellandu Mandal, Bhadradi-Kothagudem District.

...PETITIONER

AND

1. State of Telangana, Tribal Welfare Department, Rep. by it's Secretary to Government, Secretariat, Hyderabad.
2. The Additional Agent to Govt, Bhadrachalam, Bhadradi-Kothagudem district.
3. The Agency Divisional Officer, Kothagudem, Bhadradi-Kothagudem district.
4. The Tahasildar, Yellandu Mandal, Bhadradi-Kothagudem district,
5. Gondi Venkataramana (S.T), State President, A.E.W.C.A, Hyderabad.

...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 appropriate Writ, Order or direction more particularly one in the nature of Mandamus declaring the action of the 1st respondent in straight away rejecting the Stay Petition without giving any opportunity to the petitioner vide Government Memo No.494/TW.LTR/2022-1, dated. 13.4.2022, filed along with the Revision Petition for challenging the orders made in C.M.A.No.31/2016, dated 30.7.2021 on the file of the 2nd respondent, wherein the 2nd respondent has confirmed the orders passed by the 3rd respondent in L.T.R. Case No.46/2015/Yld, dated 29.7.2015 as illegal, arbitrary against the principles of natural justice and also violative the provisions of the Articles 14, 21 and 300-A of Constitution of India and consequently direct the 4th respondent not to dispossess the Petitioner from the subject agricultural land until pending disposal of the Revision Petition filed by the petitioner before the 1st respondent;

IA NO: 1 OF 2022

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 direct the 4th respondent, not to dispossess the petitioner from the subject agriculture land in Sy.No.418/2 to an extent of Ac.2.19 gts., of Challasamudram village, Yellandu Mandal,

Bhadradri-Kothagudem district, in pursuant of the orders of the 1st respondent vide Government Memo No.494/TW.LTR/2022-1, dated. 13.4.2022. in rejecting the Stay Petition, filed along with the Revision Petition before the 1st respondent challenging the orders, made in C.M.A.No.31/2016, dated 30.7.2021 on the file of the 2nd respondent, wherein the 2nd respondent has confirmed the orders passed by the 3rd respondent in L.T.R. Case No.46/2015/Yld, dated 29.7.2015

IA NO: 2 OF 2022

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 amend cause title by deleting the respondent No.5 in WP.No.33164 of 2022 as well as in I.As in the interest of justice

IA NO: 1 OF 2023

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 permit the petitioner to take steps against the respondent No.5 by way of issuing paper publication in any local daily newspaper as substitute service of notice to the respondent No.5

Counsel for the Petitioner : SRI. B RAVINDRANATH

Counsel for the Respondent Nos. 1 to 4: GP FOR SOCIAL WELFARE

The Court made the following:

HON'BLE SRI JUSTICE J. SREENIVAS RAO

WRIT PETITION No.33164 of 2022

ORDER:

Heard learned counsel for the petitioner and the learned Assistant Government Pleader for Social Welfare.

2. This writ petition is filed by the petitioner seeking to issue appropriate Writ, Order or direction more particularly one in the nature of Mandamus declaring the action of the 1st respondent in straight away rejecting the Stay Petition without giving any opportunity to the petitioner vide Government Memo No.494/TW.LTR/2022-1, dated: 13.04.2022, filed along with the Revision Petition for challenging the orders made in C.M.A No.31/2016, dated 30.07.2021 on the file of the 2nd respondent wherein the 2nd respondent has confirmed the orders passed by the 3rd respondent in L.T.R Case No. 46/2015/Yld, dated 29.07.2015 as illegal, arbitrary against the principles of natural justice and also violative the provisions of the Articles 14, 21 and 300-A of Constitution of India and consequently direct the 4th respondent not to dispossess the Petitioner from the subject agricultural land until pending disposal of the

Revision Petition filed by the petitioner before the 1st respondent.

3. Learned counsel for the petitioner contended that the petitioner filed revision petition before the respondent No.1 aggrieved by the order passed by the respondent No.2 in CMA No.31 of 2016 dated 30.07.2021, confirming the order passed by respondent No.3 in L.T.R. Case No.46/2015/YLD, dated 29.07.2015.

4. He further submits that respondent No.1 while admitting the revision petition rejected the stay petition without giving any opportunity to the petitioner and passed impugned Memo No.494/TW.LTR/2022-1 dated 13.04.2022. By virtue of the rejection of the stay, the respondent No.4 is trying to take steps to vacate the petitioner from the subject land. This court on 23.08.2022 while ordering notice before admission granted Status-Quo order and the same is continuing till date.

5. A perusal of the record would reveal that the revision petition filed by the petitioner is pending before respondent No.1.

6. In view of the pendency of statutory revision, without going into the merits of the case, this writ petition is disposed of by directing respondent No.1 to dispose of the revision petition filed by the petitioner within a period of four months from the date of receipt of the copy of this order. Till such time, the respondent No.4 is directed not to take any coercive steps against the petitioner pursuant to the order passed by the respondent No.3 in L.T.R. Case No.46/2015/YLD, dated 29.07.2015, as confirmed in CMA No.31 of 2016 dated 30.07.2021 by the respondent No.2.

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

SD/-MOHD.SANAULLAH ANSARI
ASSISTANT REGISTRAR

//TRUE COPY//

[Signature]
SECTION OFFICER

To,

1. The Secretary to Government, Tribal Welfare Department, Secretariat, Hyderabad, State of Telangana.
2. The Additional Agent to Govt, Bhadrachalam, Bhadradri-Kothagudem district.
3. The Agency Divisional Officer, Kothagudem, Bhadradri-Kothagudem district.
4. The Tahasildar, Yellandu Mandal, Bhadradri-Kothagudem district,
5. Gondi Venkataramana (S.T), State President, A.E.W.C.A, Hyderabad.
6. One CC to SRI. B RAVINDRANATH Advocate [OPUC]
7. Two CCs to GP FOR SOCIAL WELFARE , High Court for the State of Telangana, Hyderabad. [OUT]
8. Two CD Copies

HIGH COURT

JSR, J

DATED: 28/02/2023

ORDER

WP.No.33164 of 2022



**WRIT PETITION IS DISPOSED
OF WITHOUT COSTS**