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

WEDNESDAY, THE TWENTY SEVENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION NO: 30956 OF 2024

Between:

1. Morampudi Bhujanga Rao, S/o. Pullaiah, Aged about 54 years, Occ. Agriculture, R/o. Mandlapalli Village, Dammapeta Mandal, Bhadradri Kothagudem District.
2. Morampudi Venkateswara Rao, S/o. Pullaiah, Aged about 58 years, Occ. Agriculture, R/o. Mandlapalli Village, Dammapeta Mandal, Bhadradri Kothagudem District

...PETITIONERS

AND

1. The State of Telangana, Rep. by its Principal Secretary Tribal Welfare Department Secretariat Hyderabad
2. The Appellate Authority, under Land Transfer Regulations 1969/ Additional Agent to Government PO ITDA at Bhadrachalam Bhadradri Kothagudem District
3. The Primary Authority under Land Transfer, Regulations 1969/Special Deputy Collector TW Bhadrachalam Bhadradri Kothagudem District
4. The Tahsildar, Dhammapet Mandal, Bhadradri Kothagudem District
5. Surri Kannaiah, S/o. Ramudu, Aged about not known, Ccc.. Agriculture, R/o. Mandlapalli Village, Dammapeta Mandal, Bhadradri Kothagudem District
6. Surri Chalapathi Rao, S/o. Not known, Aged about not known, Occ. Agriculture, R/o. Mandlapalli Village, Dammapeta Mandal, Bhadradri Kothagudem 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 issue a Writ or order or direction, more particularly one in the nature of Writ of Mandamus, is filed declaring the action of 2nd Respondent not passing appropriate order either on stay petitioner or on the appeal (CMA) itself filed on

dated 25.10.2024 against the order of the 3rd Respondent dated 21.09.2024 vide LTR case No. 39/2021/DPT as being illegal arbitrary and violative of Articles 14, 21 and 300-A of the constitution of India apart from being violative of principles of natural Justice, which is nothing but abuse of their powers and consequently, direct the 2nd Respondents to consider and dispose of the stay petition or CMA itself within a reasonable time and further direct to the Respondent No.4 and their subordinate staff not to dispose the petitioners land an extent of Ac. 2-12gts in Sy. No. 506 situated at Mandalapalli revenue Village, Dammapeta Mandal, Bhadradri Kothagudem District, pending disposal of the CMA on the file of the 2nd Respondent and in the interest of justice.

IA NO: 1 OF 2024

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 2nd Respondents to consider and dispose of the stay petition or CMA itself within a reasonable time and further direct to the Respondent No.4 and their subordinate staff not to dispose the petitioners land an extent of Ac. 2-12gts in Sy. No. 506 situated at Mandalapalli revenue Village, Dammapeta Mandal, Bhadradri Kothagudem District, pending disposal of the CMA on the file of the 2nd Respondent and in the interest of justice.

Counsel for the Petitioner: SRI S. CHANDRA MOHAN REDDY

Counsel for the Respondent Nos.1 to 3: AGP FOR SOCIAL WELFARE

Counsel for the Respondent No.4: AGP FOR REVENUE

Counsel for the Respondent Nos.5 and 6:----

The Court made the following: ORDER

HON'BLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION No.30956 of 2024

ORDER:

Heard Sri S.Chandra Mohan Reddy, learned counsel appearing on behalf of petitioners, learned Government Pleader for Social Welfare appearing on behalf of the respondent Nos.1 to 3 and learned Assistant Government Pleader for Revenue appearing on behalf of the respondent No.4

PERUSED THE RECORD

2. The petitioners approached the Court seeking the prayer as follows:

> ".....to issue a Writ or order or direction more particularly one in the nature of Writ of Mandamus is filed declaring the action of 2nd Respondent not passing appropriate order either on stay petition or on the appeal CMA itself filed on dated 25.10. 2024 against the order of the 3rd Respondent dated 21.09.2024 vide LTR case No. 39/2021/DPT as being illegal arbitrary and violative of Articles 14, 21 and 300A of the constitution of India apart from being violative of principles of natural Justice which is nothing but abuse of their powers and

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consequently direct the 2nd Respondents to consider and dispose of the stay petition or CMA itself within a reasonable time and further direct to the Respondent No. 4 and their subordinate staff not to dispose the petitioners land an extent of Ac. 2-12 gts in Sy No. 506 situated at Mandalapalli revenue Village Dammapeta Mandal Bhadradri Kothagudem District pending disposal of the CMA on the file of the 2nd Respondent and in the interest of justice and pass..."

3. Aggrieved by the action of the 2nd respondent in not passing appropriate orders either on stay petition or on the appeal (CMA) itself filed by the petitioners on 25.10.2024 before the 2nd respondent against the order of the 3rd respondent dated 21.09.2024 vide LTR Case No.39/2021/DPT, the present Writ Petition is filed.

4. It is represented by the learned counsel appearing on behalf of the petitioners that in compliance to the direction of this Court dated 07.11.2024 issued to the petitioners to take out personal notice to the respondent Nos.5 & 6 and file proof of service of the said notice on respondent Nos.5 & 6 on the file of Registry, the learned counsel appearing on behalf of the

petitioners took out personal notice to the respondent Nos.5 & 6 and filed proof of service of notice into the Registry vide USR No.116046/2024 along with the Postal Track Consignment No.RNo36996171IN.

5. It is represented by the learned counsel appearing on behalf of the petitioners and learned Government Pleader for Social Welfare appearing on behalf of the respondent Nos. 1 to 3 that, the subject issue in the present Writ petition is squarely covered by the order of this Court dated 16.10.2024 passed in W.P.No.24568 of 2024 and hence, the present writ petition could be disposed of in terms of the order of this Court dated 16.10.2024 passed in W.P.No.24568 of 2024.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel appearing on behalf of the petitioners and learned Assistant Government Pleader appearing on behalf of respondent Nos. 1 to 3 and for the reasons alike in the above referred order dated 16.10.2024 passed by this Court in W.P.No.24568 of 2024, the writ petition is disposed of directing

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respondent No.2 to pass appropriate orders either in the Stay Petition or the Appeal itself filed by the petitioner on 25.10.2024, aggrieved against the eviction order of respondent No.3, vide LTR Case No.39/2021/DPT, dated 21.09.2024 in accordance to law, in conformity with the principles of natural justice by giving notices to all concerned, including the respondent Nos.5 & 6 within a period of four (4) weeks from the date of receipt of a copy of the order. Till the above exercise is initiated, and appropriate orders passed by respondent No.2 as indicated above within the time period as stipulated as above and communicated to the petitioner, the interim order granted by this Court on 07.11.2024 directing status-quo to be maintained in respect of the land to an extent of Acres 2-12 guntas in Sy.No.506, situated at Mandalapalli Revenue Village, Dammapeta Mandal, Bhadradri Kothagudem District shall remain in force. However, there shall be no order as to costs.

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Miscellaneous petitions, if any, pending shall stand closed.

SD/-N. SRIHARI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

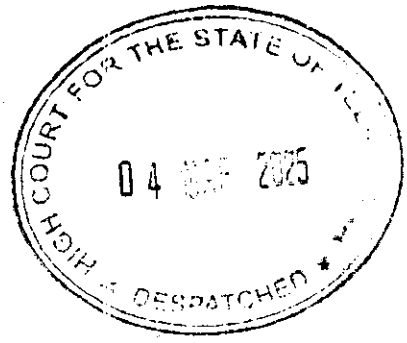
To,

1. The Appellate Authority, under Land Transfer Regulations 1969/ Additional Agent to Government PO ITDA at Bhadrachalam Bhadradri Kothagudem District
2. One CC to Sri S. Chandra Mohan Reddy, Advocate [OPUC]
3. Two CCs to GP for Social Welfare, High Court for the State of Telangana, at Hyderabadd [OUT]
4. Two CCs to The GP for Revenue, High Court for the State of Telangana, at Hyderabad[OPUC]
5. Two CD Copies

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pmc.

HIGH COURT

DATED:27/11/2024



ORDER

WP.No.30956 of 2024

DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

(9) pmg.
13/2/25