

Telangana High Court

P.Anjaiah vs The State Of Telengana And 5 Others on 10 March, 2023

Bench: K.Lakshman

HON'BLE SRI JUSTICE K. LAKSHMAN

WRIT PETITION No.6578 of 2023

ORDER:

Heard Sri VSRMV. Prasad Sanaka, learned counsel appearing for the petitioner and Sri J. Amruth Rao, learned Assistant Government Pleader for Revenue appearing for respondents. Perused the record.

This writ petition is filed to declare the action of respondent No.2 in issuing notice No.D1/74/2023, dated 21-01-2023 to the petitioner during the pendency of civil suit vide O.S.No.48 of 2019, as illegal.

Perusal of the record would reveal that respondent No.4 had filed W.P.No.22627 of 2021 challenging the order dated 06-02-2021 passed by the Special Tribunal in case No.ST.D1/218/2021. Vide order dated 03-01-2023, this Court disposed of the said writ petition, setting aside the order dated 06-02-2021 and the matter is remanded back to the Special Tribunal with a direction to consider the request made by the petitioner therein i.e., respondent No.6 herein seeking implementation of sale deed bearing document No.8763 of 2019, dated 29-03-2019 and pass orders afresh by putting the petitioner, respondent No.5 and respondent No.6 therein i.e., including the petitioner herein on notice and affording them an opportunity of hearing. This Court also directed the Special Tribunal to pass a reasoned order and communicate copy of the said order to the petitioner therein and the Special Tribunal shall complete the entire process within eight (8) weeks from the date of receipt of a copy of the said order.

In compliance with the said order, respondent No.2 had issued notice dated 21-01-2023 fixing the hearing on 18-03-2023. The petitioner herein instead of appearing before respondent No.2, filing counter and also participating in the hearing, filed the present writ petition challenging the said notice itself. The only apprehension of the petitioner herein is that respondent No.6 herein had filed the aforesaid writ petition suppressing the fact of pendency of suit in O.S.No.48 of 2019 filed by the petitioner herein seeking partition and separate possession of the suit schedule property, which is pending before Prl. Junior Civil Judge, Kalwakurthy. The Special Tribunal may not consider the said aspects and therefore, the petitioner herein had challenged the very notice dated 21-01-2023 issued by respondent No.2. On the said apprehension, petitioner herein cannot file the present writ petition.

As discussed supra, vide order dated 03-01-2023 in W.P.No.22627 of 2021, this Court directed the Special Tribunal to put petitioner and respondent Nos.5 and 6 herein on notice and afford them an opportunity of hearing and pass orders afresh. Thus, there is a clear direction to the Special Tribunal to put the petitioner herein on notice and afford him an opportunity of hearing. Even then, the petitioner herein had filed the present writ petition only on apprehension. Therefore, this writ petition is misconceived and liable to be dismissed.

Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

As a sequel, the miscellaneous petitions, if any, pending in the Writ Petition shall stand closed.

_____ K. LAKSHMAN, J March 10, 2023 PN HON'BLE SRI JUSTICE K.
LAKSHMAN WRIT PETITION No.6578 of 2023 March 10, 2023 PN