



2009:TSHC:32455

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF JULY
TWO THOUSAND AND NINE

PRESENT

THE HON'BLE SRI JUSTICE P.SWAROOP REDDY
WRIT PETITION NO : 28648 of 1998

Between:

- 1 Hameeduddin Khan, S/o. Khair Nawaz Jung, R/o. 1-8-321,
Patigadda Road,
Begumpet, Secunderabad.
- 2 Naseeruddin Khan, S/o. Hameeduddin Khan
R/o. 1-8-321, Patigadda Road,
Begumpet, Secunderabad.

..... **PETITIONER(S)**

AND

- 1 State of Andhra Pradesh, Rep. by its Commissioner, Survey
Settlement & Land Records, (Court of Wards), Paigah Sir Vicar
UI Umra,
Hyderabad.
- 2 Administrative Officer, Paigah Sir Vicar UI Umra, (Court of
Wards),
Office of the Commissioner, Survey, Settlement & Land Records,
Hyderabad.
- 3 Mandal Revenue Officer,
Balanagar Mandal, Ranga Reddy District.
- 4 Yusufnisa Begum, D/o. Capt. Mohiuddin Khan,
R/o. Vicar Manzil, 1-8-507,
Begumpet, Hyderabad.
- 5 Smt. Asif Unnisa Begum, D/o. Capt. Mohiuddin Khan,
R/o. Vicar Manzil, 1-8-507,
Begumpet, Hyderabad.
- 6 Iftekaruddin Khan, S/o. Capt. Mohiuddin Khan,
R/o. Vicar Manzil, 1-8-507,
Begumpet, Hyderabad.

..... **RESPONDENT(S)**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction in the nature of Mandamus directing the respondents 1 to 3 to forthwith implement their eviction notice issued by the M.R.O. Balanagar in file No.B/1070/93 dt. 24.7.1993, and take up all such necessary and consequential proceedings to secure eviction of respondents 4, 5



and 6 and obtain vacant possession of the Vicar Manzil bearing premises No.1-8-507, Begumpet, Hyderabad, and consequently further direct the respondents to redeliver the said property herein, in accordance with the judgment and decree of the learned Additional Chief Judge in O.S.No.47/65 dt. 10.8.1979, and be pleased to pass

Counsel for the Petitioner:MR.MPAPA REDDY

Counsel for the Respondent No.: GP FOR REVENUE

The Court made the following :

ORDER :

The Writ Petition has been filed by the petitioners under Article 226 of the Constitution of India seeking a writ of *Mandamus* to direct respondent Nos.1 to 3 to implement the eviction notice issued by Respondent No.3-the Mandal Revenue Officer, Balanagar in file No.B/1070/93, dated 24.07.1993 and to take all consequential proceedings to secure the eviction of respondent Nos.4, 5 and 6.

The matter is pending since 1998. It underwent several adjournments. The learned Government Pleader was directed to produce records and after long lapse, a report is filed stating that the records concerned are apparently burnt. There is no representation for contesting private respondents for delivery of possession in pursuance of the orders issued by the Mandal Revenue Officer. Since there is no representation and the matter is pending for a long time, this petition has to be allowed.

In the above circumstances, the Writ Petition is allowed and Respondent No.3-Mandal Revenue Officer is directed to implement the eviction notice dated 24.07.1993 in file No.B/1070/93.

P.SWAROOP REDDY, J



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July 17, 2009
KSH