

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.33013 of 2017

ORDER :

Heard learned counsel for the petitioner and also learned Government Pleader for Revenue representing respondent Nos.1 and 2 and learned Government Pleader for Home representing respondent Nos.3 to 6 before ordering notice to the 7th respondent and perused the prayer in the writ petition with the supporting affidavit and also perused the orders in W.P.No.28924 of 2017 and W.P.No.32522 of 2017.

2. By virtue of the interim order in W.P.M.P.No.35991 of 2017 in W.P.No.28924 of 2017, dated 29.08.2017, this Court granted interim stay with the observation that construction can be made without applying for conversion of agricultural land into non-agricultural land and the writ petition is still pending against respondent Nos.1, 2 and 7 herein and Revenue Divisional Officer and Tahasildar of Mahabubnagar District as respondent Nos.3 and 4 respectively therein.

3. It is subsequent to that by impugned proceedings, dated 16.09.2017, the Joint Collector-cum-Additional District Magistrate, Mahabubnagar, having observed pending appeal against the order of the Revenue Divisional Officer, Mahabubnagar, dated 19.07.2014, granted stay of construction of the building until further orders on 01.07.2017, however, by violating the said orders, the writ petitioner herein, who is respondent therein, is proceeding with construction,

thereby punishable under Order XXXIX Rule 2-A C.P.C. committed him to civil prison for Two (02) months 29 days for the said disobedience. Impugning the said order of the Joint Collector, dated 16.09.2017, the writ petitioner filed another W.P.No.32522 of 2017 against the present respondents herein and therein by miscellaneous application in W.P.M.P.No.40466 of 2017, dated 21.09.2017, an order was obtained for release of the petitioner from the civil (imprisonment) prison by suspending the order of the Joint Collector, dated 16.09.2017.

4. It is the grievance of the petitioner that despite the respondents are addressed intimating the said order dated 21.09.2017 on 22.09.2017 including through post, they did not comply with release of the petitioner.

5. Needless to say, the order of this Court, dated 21.09.2017, in W.P.M.P.No.40466 of 2017 in W.P.No.32522 of 2017 for release of the petitioner is in force. Thereby, the writ petition without keeping pending, but for to pursue the remedies in the pending two other writ petitions supra, directing the Superintendent of District Jail, Mahabubnagar, to release the petitioner forthwith.

6. With the above observation, the writ petition is disposed of.

7. Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

27th September 2017.

Note:

Issue C.C. today.

(b/o)
mar/rds