

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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WRIT PETITION No. 12921 of 2015

ORDER:

The grievance of the petitioner is that the 2nd respondent is not disposing of the vacate stay petition filed by the petitioner in Appeal No.F1/2380/2014 filed by the 4th respondent, which appeal is filed against the orders of the Revenue Divisional Officer in Proceedings No.J/5076/1992 dated 8.1993 (signed on 07.10.1993).

2. Learned counsel for the petitioner submits that Section 5 of the Limitation Act does not apply in any manner to the facts of the present case and further the ORC certificate granted in favour of the petitioner was in 1993. He further contends that the appeal filed by the 4th respondent is a belated appeal and there is no power to the appellate authority to condone the delay. However, the learned counsel submits that in the present writ petition he is only seeking a direction to the 2nd respondent to dispose of the stay application or the main appeal itself, after considering the arguments that may be advanced before him. It is further submitted that the stay application is formally posted to 02nd May, 2015 for hearing. However, the petitioner apprehends that the same shall not be taken up by the 2nd respondent.

3. Having considered the submissions of the learned counsel and having perused the provisions, considering the fact that *ex parte* stay was granted in the month of October, 2014 in a case which was decided in 1993, and the matter was adjourned three times, there shall be a direction to the 2nd respondent to dispose of the vacate stay petition or preferably the main appeal itself, on or before 30.06.2015.

4. Accordingly, the writ petition is disposed of. No costs. Miscellaneous

petitions, if any pending in this writ petition, shall stand closed.

CHALLA KODANDA RAM, J

29th April, 2015

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