

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.2995 OF 2015

ORDER:

This writ petition is filed by the petitioner with a limited grievance that he has filed stay petition along with the appeal before the 3rd respondent on 31.01.2015 under Section 4(A)(I) of the A.P. Assigned Lands (Prohibition of Transfer) Act, 1977 (for short, 'the Act'), seeking a direction to the 4th respondent not to interfere with the possession of the petitioner. But the 3rd respondent did not chose to pass any orders either in the stay petition or in the appeal filed by petitioner. Hence, the writ petition.

The right of appeal being a statutory right under the Act and the petitioner's right cannot be put in jeopardy and make the appeal provision itself nugatory. In that view of the matter, there is an obligation cast on the 3rd respondent to pass appropriate orders on the stay petition filed by the petitioner pending disposal of the main appeal dated 31.01.2015.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the 3rd respondent to dispose of the appeal of the petitioner within a period of four months from today. Till such time, the petitioner shall not be dispossessed from his possession. No order as to costs. Miscellaneous Petitions, if any pending in this writ petition shall stand closed.

JUSTICE CHALLA KODANDA RAM

Date:12.02.2015

Gk.

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