

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WRIT PETITION No.39204 OF 2015

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Revenue for respondents 1 to 4 and Mr. V.B. Subrahmanyam, learned counsel appearing for the Caveator/respondent No.5.

The petitioner is aggrieved by the order passed by the District Collector, Chittoor District, the 2nd respondent, in proceedings Roc.No.D4/5497/2014, dated 27.05.2015, whereunder the 2nd respondent gave notice to both sides for conducting enquiry and has passed a reasoned order vacating the stay of operation of the pattadar passbook and title deeds issued to respondent No.5 pending the appeal before the Revenue Divisional Officer/Sub-Collector, Madanapalle, Chittoor District, the 3rd respondent. The petitioner states that the 2nd respondent could not have entertained the appeal or revision against the interim order of 3rd respondent and in any case the order of the 3rd respondent is unwarranted. A copy of the order passed by the 3rd respondent in Roc.B4/381/2012, dated 28.07.2014, is also placed before this Court, whereunder the 3rd respondent, while entertaining appeal, has granted interim stay of operation of pattadar passbook and title deeds issued by the Tahsildar, Ramakuppam Mandal, Chittoor District, the 4th respondent, pending the appeal. Under the present impugned order, the said stay order is now vacated by the 2nd respondent.

After hearing both sides and after taking into consideration the

fact that the impugned order of the 2nd respondent is passed on 27.05.2015 and the present Writ Petition is filed only on 01.12.2015 and approximately about five months have already elapsed from the date of the impugned order and the status existing with regard to pattadar passbook and title deeds during the last five months after the impugned order was passed therefore does not deserve to be disturbed at this length of time. However, since the appeal, referred to above, is already pending before the 3^r ^d respondent, I deem it appropriate to direct him to fix an early date of hearing of the said appeal, issue notice to both parties, hear them and pass appropriate final order expeditiously, preferably within a period of six weeks from the date of receipt of a copy of this order. The *status quo* existing as on today with regard to pattadar passbook and title deeds shall continue till appropriate order, as directed above, is passed.

The Writ Petition is accordingly disposed of. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

VILAS V.AFZULPURKAR, J

07.12.2015

KH