

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA
PRADESH

* * *

WRIT PETITION No. 35625 of 2015

BETWEEN

K.Muthaiah

... PETITIONER

AND

The State of Telangana, rep. by its Principal Secretary and others

...RESPONDENTS

Date of Order pronounced: 02.11.2015

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? | Yes/No |
| 3. Whether his Lordship wish to see the
fair copy of the Judgment? | Yes/No |

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ORDER:-

Heard learned counsel for the petitioner and learned government
pleader for Revenue.

2. Petitioner is aggrieved by the impugned order passed by the Joint

Collector and Additional District Magistrate, Khammam in I.A.No.6 of 2015 in ROR Revision Petition No.60/15 dated 03.10.2015. The said order came to be passed by the Joint Collector when it was brought to his notice that I.A.No.177 of 2012 in O.S.No.129 of 2012 dated 28.09.2012 as well as further order to grant police protection on 01.06.2013 were passed by the civil court in a proceedings between the same parties. In view of the said order of the civil court, the impugned order of the Revenue Divisional Officer, which is subject matter of the revision, was stayed by the learned Joint Collector.

3. Petitioner, however, questions the said order in this writ petition on the ground that the order of the civil court dated 01.06.2013 was already suspended by this court vide CRPMP No.5336 of 2013 in C.R.P.No.3972 of 2013 dated 30.09.2013 and thereby it is contended that the very basis of granting the stay order by the Joint Collector does not subsist and the stay is erroneously granted.

4. Even assuming that the order of interim suspension granted by this Court with respect to the orders of the civil court were not brought to the notice of the Joint Collector, petitioner can always appear before the Joint Collector and bring the same to his notice, so that the Joint Collector will examine the matter afresh and pass appropriate orders either confirming, vacating, or modifying the stay orders already passed by him on 03.10.2015. Since the petitioner is a party to the revision, there is no reason to entertain the writ petition merely against the orders of interim stay granted by the Joint Collector.

5. Hence, the writ petition is disposed of permitting the petitioner to approach the Joint Collector by filing an appropriate application for vacation of the order of interim stay dated 03.10.2015 by raising all his contentions and if such an application is filed, the second respondent is directed to fix an early date, hear the parties, and pass appropriate further orders, as observed above, preferably within four weeks from the date of filing of the application.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

November 2, 2015
LMV

VILAS V. AFZULPURKAR, J