

**THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

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**WRIT PETITION No.2318 of 2015**  
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**ORDER:**  
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This Writ Petition is filed questioning the order of the 3<sup>rd</sup> respondent-Joint Collector, Hyderabad vide proceedings No.B2/8018/2013 dated 17.01.2015 suspending the order of the 4<sup>th</sup> respondent-Tahasildar, Golconda Mandal vide File No.B/1160/2007 dated 02.08.2008.

The impugned order dated 17.01.2015 pending appeal before the third respondent is challenged in this Writ Petition mainly on the ground that the said order is non-speaking order and an appeal filed in the year 2013 against the order dated 02.08.2008 has been entertained without there being the condonation of delay petition and as such the very appeal itself would not have been maintainable and passing of ad-interim order is in violation of the principles of natural justice and contrary to the settled legal principles.

When the matter is taken for admission, the papers were served on behalf of the contesting sixth respondent and the learned Assistant Government Pleader for Revenue was directed to produce the file relating to the appeal. Today when the matter is taken up for hearing, the learned Senior Counsel Sri D.Prakash Reddy appeared on behalf of the sixth respondent contended that the respondents 5 and 6 came to be aware of passing of the orders dated 02.08.2008 only in the month of October and on their behalf an application was made to the officials to obtain certified copies under the Right to Information Act, which were furnished on 19.09.2013, and immediately thereafter on 28.10.2013 appeal was filed. Taking into consideration of the date of knowledge, the appeal filed under Section 93 of the A.P. Tenancy Act, 1956 is within

limitation and in that view of the matter the appeal filed is within time.

Meeting the objection of the learned counsel for the petitioner that the order is non-speaking order, the learned Assistant Government Pleader would submit that the file contains the reason and that the order issued is only an order intimating about the interim order. The learned Assistant Government Pleader would also contend that it is not necessary that the interim order alone shall contain the reason and the reasons can be there in the file.

Having considered the rival submissions and considering the fact that the order challenged is only an ad-interim order and the contentions with respect to whether there was any delay in obtaining the order dated 02.08.2008 and whether the respondents 5 and 6 were not represented by their counsels had no knowledge about the proceedings dated 02.08.2008 and the effect of Section 19(2) of the A.P. (Telangana Area) Tenancy and Agricultural Lands Act, 1950 for all matters are required to be considered by the appellate authority in disposing of the matter. However, considering the fact that the order under challenge before the appellate authority was dated 02.08.2008 whereunder and whereby the protected tenancy rights in favour of the respondents 5 and 6 came to be rejected and when the appeal itself was adjourned very virtually on day-to-day basis, the interest of justice would be served if an order is passed directing that the respondents 5 and 6 shall not use the suspension order to create any third-party rights till disposal of the appeal by the third respondent. The third respondent shall dispose of the appeal preferably within a period of three months from today.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

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**CHALLA KODANDA RAM, J**

Dated: 09.02.2015

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