

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

WRIT PETITION No.22605 of 2015

Between:

Smt.Gowramma, W/o late Sri Chandrappa,
Age: about 47 years, Occ: Cultivation,
R/o Redlapalli Village, Santipuram Mandal,
Chittoor District and another

... Petitioner

and

Smt. V.Radha, W/o Seenappa,
age about 29 years, Occ: Cultivation,
R/o Redlapalli Village, Santipuram Mandal,
Chittoor District and three others

... Respondent(s)

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DATE OF JUDGMENT PRONOUNCED: 22nd July, 2015.

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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| 1 | <u>Whether Reporters of Local newspapers</u>
<u>may be allowed to see the Judgments?</u> | <u>Yes/No</u> |
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| 2 | <u>Whether the copies of judgment may be</u>
<u>marked to Law Reports/Journals</u> | <u>Yes/No</u> |
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| 3 | <u>Whether Their Ladyship/Lordship wish to</u>
<u>see the fair copy of the Judgment?</u> | <u>Yes/No</u> |

THE HONOURABLE SRI JUSTICE VILAS V. AFZULPURKAR

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WRIT PETITION Nos.22605 of 2015

ORDER:

The petitioners herein are aggrieved by the interim order passed by the 3rd respondent-Revenue Divisional Officer-cum-Sub Collector, Madanapally, Chittoor District in Roc.B4/1025/2015, dt.23.06.2015.

Heard counsel for the petitioners and the learned Government

Pleader for Revenue(AP) representing respondents 1 to 4.

Petitioners state that 1st petitioner has already filed O.S.No.39 of 2015 before the Junior Civil Judge, Kuppam and the aforesaid interim order would affect the interest of the petitioner in the said suit apart from the fact that during the pendency of the civil suit, the proceedings before the revenue authorities have to await.

Since the order impugned is only an interim order of stay pending appeal, this Court would not normally interfere with the same. The circumstances pointed out by the petitioner are not so extraordinary warranting exercise of the jurisdiction of this Court under Article 227 of the Constitution of India and to interfere with the discretion of the 3rd respondent.

Accordingly, since the petitioners state that their rights under the civil suit are likely to be affected, petitioners are at liberty to approach the 3rd respondent with an appropriate application requesting him to hear the said objection or appeal at an early date. Petitioners are also entitled to seek vacation of the said impugned order by approaching the 3rd respondent. If the petitioners make appropriate application as above, the 3rd respondent shall fix an early date to hear and decide the matter expeditiously. Petitioners are at liberty to raise all their objections before the 3rd respondent.

With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel, miscellaneous applications pending if any, shall stand dismissed.

VILAS V. AFZULPURKAR, J

22nd July, 2015.

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