

HON'BLE SRI JUSTICE S. RAVI KUMAR

CIVIL REVISION PETITION No.136 of 2015

ORDER:

Heard advocate for revision petitioners.

2. Revision petitioners herein are respondents No.1 and 2 in A.T.A.No.10 of 2014, which is preferred challenging the orders, dated 27.11.2014, in I.A.No.333 of 2014 in I.A.No.177 of 2014 in A.T.C.No.4 of 2014, passed by the Special Officer, Tenancy-cum-Principal Junior Civil Judge, Bhimavaram, whereunder he appointed Advocate Commissioner for harvesting standing crop in the disputed land and to deposit the same to the credit of A.T.C.

3. From the arguments of learned advocate for petitioners, Advocate Commissioner appointed by the Special Officer has executed the warrant, harvested the crop and deposited the proceeds into the Court. But respondents in the Commissioner petition i.e., petitioners who filed ATC, preferred appeal to the District Court and the Appellate Authority-cum-Principal District Judge, West Godavari, granted stay of all further proceedings in A.T.C.No.4 of 2014 including all interlocutory applications and on account of this order, the interim injunction granted by the Special Officer, Tenancy-cum-Principal Junior Civil Judge, Bhimavaram, in favour of 1st respondent herein i.e., the alleged tenant is causing prejudice and inconvenience to petitioners herein, who are actually in

possession and if the interim injunction is continued, it is difficult for them to make ready the land for second crop, therefore, the order of the Principal District Judge, West Godavari, which is appellate Authority, is illegal and challenging the same present revision is preferred.

4. Admittedly, petitioners herein have not approached the appellate Authority-cum-Principal District Judge, West Godavari, explaining the urgency involved in the matter. When a right is available to a party to approach the appellate Authority, without exhausting such right challenging the very same order, in my view cannot be entertained under Article 227 of the Constitution of India. Since the main grievance of revision petitioners herein is that stay granted by the appellate Authority would amount to continuance of interim injunction order passed in the tenancy petition, I feel that this revision can be disposed of at the admission stage by directing the appellate Authority-cum-Principal District Judge, West Godavari, to dispose of I.A.No.3041 of 2012 in A.T.A.No.10 of 2014 within (15) days from the date of receipt of this order and to see that the parties concerned to proceed with raising crop in the schedule land without loss of any further time to avoid making the land fallow because of the litigation.

5. With the above observations, the revision is disposed of at the admission stage. No costs.

6. Miscellaneous Petitions, if any, shall stand dismissed.

S. RAVI KUMAR, J

27th January 2015.

Note:

Issue C.C. in two days.

(b/o)

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