

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WRIT PETITION No.31523 of 2015

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ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for Revenue.

In an appeal, being Appeal No.Rc.(3) 328/2015, preferred before the Revenue Divisional Officer, Kalyandurg, Anantapur District, the 3rd respondent, the said appellate authority passed an interim order, dated 30.06.2015, whereby the pattadar passbooks and title deeds issued in favour of the respondents were kept in abeyance till the disposal of the appeal. The petitioners herein are respondents 1 to 9 in the said appeal and aggrieved by the same, the present Writ Petition is filed alleging that they were not issued notice before passing the said order.

It is evident from the record that the said order was passed at the admission stage, as an interim measure, and as such it is apparently an *ex parte* order. But, that by itself does not vitiate the order as such, as the appellate authority, on being satisfied, has discretion to pass appropriate interim order. However, if the petitioners are aggrieved by the said interim order, it is open for them to seek vacation of the same by approaching the appellate authority, as stated above. Though the order was passed on 30.06.2015, the petitioners herein had not approached the Revenue Divisional Officer seeking vacation of the interim order. Hence, there is no reason to entertain the Writ Petition. However, the petitioners are at liberty to file an application seeking vacation of interim order and if such an application is filed, the 3rd respondent shall fix an early date for hearing of the appeal as well as the stay petition and then pass appropriate orders either with respect to the vacate stay petition to be filed by the petitioners or decide the appeal itself, if notices are served on all the respondents.

With the above observations, the Writ Petition is 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

29.09.2015

Note:- Furnish C.C. in three days.

(B/o)

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