

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT APPEAL No.309 of 2015

DATE: 22.04.2015

Between:

Gutha Vasanth Reddy,

Ranga Reddy District, and another

... Appellants

And

Gutha Devender Reddy,

Hyderabad and others

... Respondents

This Court made the following:

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT APPEAL No.309 of 2015

Judgment: (per Sri Sanjay Kumar,J)

This Writ Appeal arises out of the order dated 31.03.2015 passed by the learned Single Judge on the vacate stay petition filed by the appellants herein.

Thereby, the learned Single Judge made the earlier order of status quo absolute and directed the writ petition to be listed for final hearing after Summer Vacation, 2015.

The subject matter of the writ petition was the cancellation of the patta granted to the writ petitioner as long back as in the year 1983 and by order dated 27.06.2014, a learned Judge directed that status quo existing as on that date should be maintained. Respondents 5 and 6 in the writ petition, the appellants herein, thereupon filed W.VM.P.No.3252 of 2014 to vacate the said order. Taking note of the fact that the appellants had suffered an injunction order passed by the competent civil Court in a suit filed by the writ petitioner against them and the said order was still subsisting, the learned Judge opined that the writ petitioner's possession could not be doubted. The learned Single Judge further observed that the other aspects raised in the writ petition as to the entitlement of the writ petitioner for the assignment made in the year 1983 were matters which were required to be considered at the time of hearing of the case and accordingly directed the writ petition to be listed after Summer Vacation, 2015.

Sri S. Satyam Reddy, learned Senior Counsel appearing for the appellants, however contends that the material placed on record by his clients would demonstrate that the writ petitioner was not eligible for the assignment in the year 1983 and asserts that the learned Single Judge ought to have taken note of these aspects instead of directing the writ petition to be listed for final hearing.

It is however to be noticed that the order passed in the writ petition in the first instance was only a status quo order and the petition filed by the appellants before the learned Single Judge was to vacate the said order. Considering this aspect of the matter, the learned Judge rightly opined that no grounds were made out to vacate the said order as the appellants had admittedly suffered an order of injunction from the competent Civil Court which was still in operation. As rightly opined by the learned Judge, the issues raised in the writ petition necessarily had to await final adjudication and could not be decided at the stage of the vacate stay petition. We therefore find no reason to interfere with the order passed by the learned Single Judge.

The Writ Appeal is devoid of merit and is accordingly dismissed. The appellants would be at liberty to follow up with the Registry to see that the writ petition is listed for final hearing as per the direction of the learned Single Judge.

Pending miscellaneous applications, if any, shall also stand dismissed. No order as to costs.

K.J. SENGUPTA, CJ

SANJAY KUMAR, J

Date: 22.04.2015

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