

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.11601 OF 2015

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ORDER:

This writ petition is filed by the petitioner questioning the action of the 2nd respondent in not passing any order in the appeal dated 20.03.2015 filed against the order of the 3rd respondent in ROC No.67/2007(A), dated 05.03.2015 and consequently to direct the 2nd respondent to pass appropriate orders in the said appeal.

It is the case of the petitioner that being a lessee under a registered lease deed from the original owner, since 1985 onwards he has been in possession and enjoyment of the land admeasuring Ac.1-68 cents situated in R.S.No.1096/3 (part) of Bondada Village, Kalla Mandal of West Godavari District. But on the complaint of one Jakkamsetty Manikyamba, who claims to be the sole surviving legal heir of late Pechetty Vanamaiah and is entitled for the ownership of the land in question, 3rd respondent issued proceedings dated 05.03.2015 in Roc.No.67/2007(A) directing the eviction of the petitioner from the subject land. Questioning the said order the petitioner filed an appeal under Sec.4-A of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977, before the 2nd respondent on 20.03.2015. Petitioner also filed a Stay application along with the appeal seeking stay of eviction from the land in question. It is further stated that even though the appeal along with the stay application was filed on 20.03.2015, the 2nd respondent did not choose to pass any orders in the stay petition. Hence, the writ petition.

Heard Sri Koneti Raja Reddy, learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue (A.P.).

The right of appeal being a statutory right under the Act and the

petitioner's right cannot be put in jeopardy and make the appeal provision itself nugatory. In that view of the matter, there is an obligation cast on the 2nd respondent to pass appropriate orders on the interim suspension application filed by the petitioner pending disposal of the main appeal dated 20.03.2015.

Having regard to the facts and circumstances of the case and especially in view of the limited grievance of the petitioner that the appeal along with the stay application is pending before the 2nd respondent, interest of justice would be served, if a direction is given to the 2nd respondent either to dispose of the stay petition or the appeal itself within a period of three months from today. Till such time either the stay petition or the appeal petition, whichever is earlier, is disposed of, the petitioner shall not be dispossessed from his possession.

With the above directions, the writ petition is disposed of. Miscellaneous Petitions, if any pending in this writ petition shall stand closed. No order as to costs.

CHALLA KODANDA RAM,J

Date:21.04.2015.

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