

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.16108 OF 2015

-
ORDER:
-

A resumption order was passed against the petitioners by the 3rd respondent in file No.B/652/2015, dated 29.05.2015. The present Writ Petition was filed on 08.06.2015 complaining that the 3rd respondent is executing the order without even waiting for the appeal time to enable the petitioners to approach the appellate Forum.

On considering the facts and circumstances of the case, on 09.06.2015 this Court while admitting the Writ Petition granted interim order not to dispossess the petitioners. Operative portion of the order reads as follows:

"There shall be accordingly an interim order to the respondents not to dispossess the petitioners from the agricultural land admeasuring Ac.15.00 gts., in Sy.No.67 of Narsampally Village, Wargal Mandal, Medak District, pending the expiry of the appeal period or passing of orders by the appellate authority in the appeal, if any, filed by the petitioners herein, whichever is earlier."

With the consent of both the counsel, the Writ Petition itself is being taken up for final disposal.

Learned counsel for the petitioners stated that the petitioners have already filed an appeal before the 2nd respondent on 21.08.2015 along with stay petition and the same is not disposed of.

On the other hand, learned Government Pleader for Assignment (TG) stated that the petitioners were already dispossessed on 03.06.2015 and hence, he prays to vacate the interim order.

In view of subsequent event of filing of regular appeal by the petitioners before the appellate Forum, in my view, the Writ Petition does not deserves to be adjudicated on merits as the appellate

authority is entitled to deal with all the questions whatsoever. Since the petitioners have already filed stay petition along with the appeal, it is appropriate to direct the 2nd respondent to fix an early date and pass appropriate orders in the stay petition filed along with the appeal within two (2) weeks from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of. *Status quo* as on today shall be maintained by both parties for a period of two (2) weeks. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

VILAS V. AFZULPURKAR, J

03.09.2015

YVL

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.16108 OF 2015

Date: 03.09.2015

YVL