

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WRIT PETITION No.39969 OF 2015

ORDER:

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

The petitioners had earlier approached this Court in W.P.No.22239 of 2014, which was disposed of on 06.08.2014 with the following order:

“Since the order impugned is appealable and petitioners intend to file an appeal before the third respondent, I am not inclined to entertain the writ petition. However, in order to protect the interest of the petitioners, liberty is given to the petitioners to approach the third respondent by way of an appeal, as provided under the Act against the impugned order and to enable the petitioners to protect their possession, in the meanwhile and till the petitioners secure an appropriate order from the appellate authority, the order impugned shall remain stayed for a period of four (4) weeks from today.”

The petitioners did file an appeal along with an application for stay in September, 2014 and, however, contends that no orders were passed by the Revenue Divisional Officer, Narsipatnam, Visakhapatnam, the 3rd respondent, either on the stay petition or on the appeal. The petitioners also state that two dates of hearing were intimated to them by the 3rd respondent, but in spite of their request, the stay petition or the appeal is not taken up and no orders are passed. Apprehending that the order impugned in the appeal is being executed by the Tahsildar, Kotauratla Mandal, Visakhapatnam, the 4th respondent, the present Writ Petition is filed.

Learned counsel for the petitioners has vehemently contended that the petitioners are not at fault as the 3rd respondent has not passed any orders on the stay petition atleast pending appeal in spite of their request and therefore they seek

directions from this Court for hearing of the appeal along with the stay petition in the interregnum.

It is evident from the order of this Court, as extracted above, that the interests of the petitioners were protected while giving liberty to them to file an appeal and the petitioners ought to have obtained appropriate further orders from the appellate authority within the time granted by this Court.

The responsibility to follow up the appeal and the stay petition being on the petitioners, it is not permissible for the petitioners, after more than one year, to seek further indulgence. Hence, the request of the petitioners for grant of stay, pending the appeal, is not granted. However, the 3rd respondent shall fix a date of hearing notifying both the parties and hear and dispose of the appeal expeditiously, preferably within a period of four weeks from the date of receipt of a copy of this order.

The Writ Petition is accordingly 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

09.12.2015

Note:- Issue C.C. by 14.12.2015.

(B/o)

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