

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WRIT PETITION No.31433 of 2015

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ORDER:

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

The petitioners question the order of the Revenue Divisional Officer, Nuzvid, Krishna District, the 4th respondent, in ROR Appeal No.5/2015, dated 12.06.2015, on various grounds. However, it is not disputed that the 2nd petitioner has already filed an appeal, dated 28.08.2015, before the Joint Collector, Krishna District, Machilipatnam, the 3rd respondent, along with the stay petition, dated 08.09.2015, and that the same were not yet taken up for hearing by the 3rd respondent.

Though the said appeal is filed by the 2nd petitioner alone, the Writ Petition against the very same order of the 4th respondent, which is sub-judiced in the appeal, cannot be entertained as the efficacious alternative remedy was already invoked by the 2nd petitioner. So far as the 1st petitioner is concerned, if he is aggrieved by the order of the 4th respondent, he can as well file his own appeal so that the 3rd respondent can consider both the appeals and pass appropriate orders. As regards the request of the learned counsel for the petitioners seeking grant of stay of the order of the 4th respondent, the same would also be entertained and examined by the 3rd respondent.

In the circumstances, the Writ Petition is disposed of directing the 3rd

respondent to fix an early date for hearing of the stay petition filed by the 2nd petitioner and pass appropriate orders expeditiously, preferably within a period of one week from the date of receipt of a copy of this order. 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

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