

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA
PRADESH

* * *

WRIT PETITION No. 13024 of 2015

BETWEEN

Bandla Sirisha

... PETITIONER

AND

The State of Andhra Pradesh, rep. by its Principal Secretary and others

...RESPONDENTS

Date of Order pronounced: 27.07.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? | Yes/No |
| 3. Whether his Lordship wish to see the
fair copy of the Judgment? | Yes/No |

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ORDER:-

Heard.

2. The maintainability of the appeal filed by respondent Nos.3 to 5 herein before the Revenue Divisional Officer-cum-Sub-Divisional Magistrate, Guntur, respondent No.2, on 25.11.2013 is questioned in this writ petition. Petitioner, who appears as respondent No.2 in the said appeal, has already filed a detailed counter on behalf of respondent Nos.2 and 3 therein setting out various grounds on which the said appeal is not maintainable including that petitioner holds a decree from a competent civil court and there is no stay in the appeal. Apart from that petitioner also states that she has already been granted a decree for perpetual injunction by a competent civil court in O.S.No.225 of 2007 against the husband of the third respondent and as such none of the petitioners in the appeal claim to have any locus to maintain the appeal in spite of pendency of a civil litigation viz., A.S.Nos.45 and 46 of 2012 on the file of the Senior Civil Judge, Mangalagiri as well the decree aforesaid.

3. On 29.04.2015 this court issued notice before admission. While the notices are not yet served on respondent Nos.3 to 5, learned Government Pleader also has not received specific instructions.

4. I have heard learned counsel for the petitioner and perused the contentions raised and the counter opposing the said appeal before the second respondent that petitioner had already raised all his contentions opposing the said appeal including the question of locus standi of respondent Nos.3 to 5.

5. In my opinion, however, all the said questions are factual issues which need to be considered by respondent No.2 while hearing the said appeal. Since I do not find that the jurisdiction of respondent No.2 is in law questioned and it is not as if that respondent No.2 has any inherent lack of jurisdiction, the extra jurisdiction of this court to issue the Mandamus, as sought for, is clearly not maintainable. Petitioner however will have liberty to raise all his contentions before respondent No.2 who shall deal with each of those contentions and pass a reasoned order and dispose of the said appeal expeditiously preferably within

three months from the date of receipt of a copy of this order. It is made clear that this court has not adjudicated upon any of the questions raised by the learned counsel for the petitioner and the second respondent is free to adjudicate upon all the said issues and pass appropriate orders.

The writ petition is accordingly disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

July 27, 2015
LMV