

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 12261 of 2015

ORDER:

This petition is filed seeking a Mandamus declaring the action of the 2nd respondent in rejecting the stay application, pending consideration of the appeal, as illegal and arbitrary; and consequently direct the respondent authorities not to interfere with the possession and enjoyment of the petitioners over the lands admeasuring Ac.4-50 cents in Survey No.497-1; Ac.4-50 cents in Survey No.497-2; Ac.4-50 cents in Survey No.498/2 and Ac.5-00 cents in Survey No.499-9 of Inagalur village, Srikalahasti mandal, Chittoor district, pending disposal of the appeal before the 2nd respondent.

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

3. The proceedings dated 22.10.2014 of the 3rd respondent-Tahsildar came to be challenged by the petitioners by filing an appeal before the 2nd respondent-Revenue Divisional Officer and, along with the appeal, the petitioners also moved an application seeking stay of the orders dated 22.10.2014. The 2nd respondent, by order dated 07.03.2015 rejected the stay application.

4. The petitioners' counsel draws notice of this Court to the orders passed by this Court in W.P.No.1694 of 2015, dated 02.02.2015, and submits that the petitioners herein are on the same footing as that of the petitioners in W.P.No.1694 of 2015 and hence similar orders may be passed in this writ petition as well.

5. A perusal of the orders of this Court in W.P.No.1694 of 2015 would show that the petitioners therein filed an appeal before the Revenue Divisional Officer challenging the very same proceedings of the Tahsildar, dated 22.10.2014, which is the subject matter of the

appeal filed by the petitioners herein, before the Revenue Divisional Officer; and this Court, by order dated 02.02.2015 disposed of the said writ petition by granting stay of dispossession until final orders are passed in the appeal.

3. In the circumstances, the petitioners shall not be dispossessed from the lands admeasuring Ac.4-50 cents in Survey No.497-1; Ac.4-50 cents in Survey No.497-2; Ac.4-50 cents in Survey No.498/2 and Ac.5-00 cents in Survey No.499-9 of Inagalur village, Srikalahasti mandal, Chittoor district, till final orders are passed in the appeal filed by the petitioners. The order dated 07.03.2015 passed by the 2nd respondent stands modified to the extent indicated above.

4. Accordingly, the writ petition is disposed of. No costs.

Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

CHALLA KODANDA RAM, J

24th April, 2015

KSM