

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WRIT PETITION No.6276 of 2016

ORDER:

Heard learned counsel for the petitioners and learned Standing Counsel for the 16th respondent.

Against the Occupancy Rights Certificate granted by the Revenue Divisional Officer, Chevella Division, Ranga Reddy District, the 4th respondent, as early as on 28.02.1986, the petitioners filed an appeal which is numbered as Case No.F1/734/2015, dated 01.02.2016, pending before the Joint Collector- II, Ranga Reddy District, the 3rd respondent. In the said appeal, initially an order dated 12.11.2015 was passed granting *status quo* with respect to the orders of the 4th respondent. However, the order of *status quo* was limited till the next date of hearing and the case was adjourned to 05.12.2015. The

16th respondent, who is stated to be holding a development agreement on behalf of the owners of the land, filed its counter. When the 3rd respondent took up the appeal for further hearing on 30.01.2016, learned counsel for the petitioner was not present and learned counsel for 18th respondent (the 16th respondent herein) before the 3rd respondent was present and in view of that, the order of *status quo* was vacated as appellant was not ready. The said order dated 01.02.2016 passed by the 3rd respondent is questioned in this Writ Petition.

It appears from the impugned order that no reasons are given for vacating the order of *status quo* and in the first instance, the order was *prima facie* not found sustainable on that ground.

However, today learned counsel for the 16th respondent

brought to my notice that the earlier order of *status quo* dated 12.11.2015 itself was limited till the next date of hearing and since the petitioners were not appearing in the appeal, the said order is not extended after 30.01.2016 and consequently stands vacated.

In my view, when the order itself is limited by time and is not extended thereafter, it amounts to vacation of the said order of *status quo* and whether the order deserves to be extended or not is a matter of discretion of the appellate authority and interference in the impugned order is not called for. It is further noticed that even before the appeal was numbered, the petitioners approached this Court by way of W.P.No.6154 of 2015, which was disposed of on 11.03.2015 directing the 3rd respondent to dispose of the appeal preferred by the petitioners under S.R.No.4242 of 2015 within a period of four weeks. The said appeal is now numbered as mentioned above and is stated to be posted for hearing on 05.03.2016.

Hence, the Writ Petition is disposed of directing the 3rd respondent to hear the parties on the said date and decide the appeal expeditiously, as directed by this Court. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date:29.02.2016

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