

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

* * *

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.1034 OF 2016

BETWEEN

Rajkumar

... PETITIONER

AND

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

...RESPONDENTS

Date of Order pronounced: 18.01.2016

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ORDER:-

Heard.

2. Petitioner questions the entertainment of appeal by the second respondent in proceedings No.A3/7244/2015, wherein the appeal filed by the fourth respondent is entertained and stay of operation of the impugne41d order is also granted. It appears from the record that petitioner has been served with the notice in the said appeal. Present writ petition, however, questions the maintainability of the appeal *inter alia* on the ground that the appeal is filed after five years of the order of the Tahsildar, Zaheerabad Mandal and no application for condonation of delay is filed. It is also claimed that *ex parte* interim stay has been granted by the appellate authority.

3. I am, however, not inclined to entertain the writ petition as petitioner can as well appear before the second respondent, file an application for vacating the stay, and oppose the appeal including its maintainability if so advised. Since the petitioner has an effective remedy of appearing before the second respondent and contesting the appeal, there is no reason to entertain the writ petition.

Hence, with the liberty to the petitioner to appear before the second respondent, as stated above, writ petition is 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

January 18, 2016
LMV