

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT

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Writ Appeal No.44 of 2016
And
Writ Petition No. 1185 of 2016

Date:21.1.2016

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W.A. No. 44 of 2016

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Between:
M/s. Theme Ambience Constructions (P) Ltd.,
Hyderabad.

Appellant

And

T. Ramachander Rao,
Hyderabad and others.

... Respondents

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PC:(Per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

The writ appeal is directed against the following order passed in
W.P.M.P. No. 1477 of 2016 in Writ Petition No.1185 of 2016, which reads
thus:

“Pending further orders, the Revenue Divisional Officer,
Secunderabad shall fence the subject land and protect it from
encroachment.”

Respondent No.1 in the appeal, filed the writ petition seeking direction
to the Joint Collector to consider and decide his appeal dated 17.10.2014,
filed against the orders passed in proceedings No.B/195/2013 and
B/1672/2014, issued by the Revenue Divisional Officer, being illegal,
arbitrary and against the principles of natural justice.

We have heard learned counsel for the parties and in the course of
hearing, we made certain suggestions, to which, learned counsel for the
parties have agreed and they have consented for the following order:

“1. The Joint Collector shall consider and decide the 1st respondent's
(writ petitioner) appeal, dated 17.10.2014, filed by him under Section 9 of
Andhra Pradesh Record of Rights in Land and Pattadar Passbooks Act,
1971, against the proceedings issued by the Revenue Divisional Officer, as
expeditiously as possible, and, preferably within a period of three months
from the date of receipt of this order. Respondent No.1 is directed to

communicate this order to the appellate authority within a period of ten days from today. It is needless to mention that the appeal shall be considered on merits, in accordance with law and uninfluenced by the order passed in the proceedings, impugned in the writ petition.

2) The order impugned in the present writ appeal is set aside. The parties are directed to maintain status-quo in all respect till the appeal, as aforementioned, is heard and disposed of finally by the Joint Collector. It is open to the appellant to make an application before the appellate authority for his impleadment, and if any such application is filed within a period of two weeks from today, the appellate authority shall allow the application. It is needless to mention that impleadment of the appellant shall be without prejudice to the rights and contentions of respondent No.1 (writ petitioner). All contentions of the parties are kept open. It is open to respondent No.1 (writ petitioner) to bring subsequent events on record before the appellate authority, if he so desires.”

The writ appeal as well as the writ petition are disposed of.

Consequently, pending miscellaneous applications shall also stand closed.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

21st January, 2016

Pnb