

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No. 4835 of 2016

ORDER:-

Heard.

2. Petitioner is aggrieved by an interim order passed by the learned Joint Collector in a pending revision case vide Ex.P1 in Rc.D2/2903/2015 dated 07.12.2015. On the complaint of the revision petitioner that constructions are taken up on Survey Nos.56 and 58 of Konanki Village of Martur Mandal of Khata No.63, the Joint Collector passed the impugned order to stop the constructions in Survey Nos.56-D, E & F, which are covered by the revision petition,

by keeping the said survey numbers in disputes register pending the revision petition and adjudication by the Joint Collector. The said order is questioned by the petitioner, primarily, on the ground that no such power under Section 9 is vested with the Joint Collector to pass an interim order of this nature and that the order is *ex parte* and even they had no notice of pendency of the revision.

3. I have heard learned counsel for the petitioner. But I am not inclined to interfere with the *ex parte* interim order passed by the Joint Collector inasmuch as petitioner can as well approach the learned Joint Collector and seek vacation of the order including on the ground as to jurisdiction which is raised here. *Prima facie*, however, Section 9 envisages vide revisional power to the Joint Collector and the power includes power to pass incidental interim order. However, if the petitioner raises that ground, it is open for the Joint Collector to decide the said issue including as to whether any interim order of this nature is warranted on the facts and circumstances of this case.

4. Hence, the Writ Petition is disposed of permitting the petitioner to seek vacation of the order by approaching the learned Joint Collector and if such an application is filed, the Joint Collector is directed to fix an early date and after notice to the petitioner as well as the revision petitioner, hear and decide the vacate petition expeditiously.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

February 16, 2016
LMV