

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

WRIT APPEAL No.580 OF 2016

Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the order of status-quo passed in Writ Petition No. 16742 of 2016, dated 26.5.2016, as extended on 3.6.2016 and 16.6.2016.

Learned Government Pleader for Revenue (Assignments) would submit, that though a counter affidavit was filed along with a petition to vacate the order of status-quo, the learned Single judge has not taken up the matter; the writ petition as filed is itself not maintainable; and this Court should hear the application, to vacate the interim order, on its merits.

As has been noted by the learned Single Judge, in the order under appeal dated 16.6.2016, he was not able to take up the matter in view of other urgent matters. As is now being contended by the learned Government Pleader, if the subject land is in the possession of the Government for the past nine years, the interim order of status-quo would not cause them any prejudice, except regarding utilization of the land. Learned Government Pleader is not able to show why the matter cannot wait till 11.8.2016 on which date it is slated for hearing.

Learned Government Pleader would seek a direction to the learned Single Judge to dispose of the vacate petition at least on the next date of hearing, i.e. on 11.8.2016. It would be wholly inappropriate for us to determine the board of the learned Judge. We have, however, no reason to doubt that, upon a request being made for the vacate stay petition to be heard, the learned Judge would consider hearing the vacate stay petition at the earliest.

Subject to the aforesaid observations, the writ appeal is dismissed. The miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(U.DURGA PRASAD RAO, J)

4th August 2016

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Date: 04.08.2016

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