

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.38857 of 2012

ORDER :

This writ petition is filed challenging the proceedings in Rc.No.2063/2012/D4 dated 16.05.2012 issued by the 1st respondent wherein the 1st respondent has granted stay pending Revision filed by the unofficial respondents under Section 9 of the A.P.Rights in Land & Pattadar Pass Books Act, 1971 (for short 'the Act').

2. Heard learned counsel for the petitioners and learned Government Pleader for Respondents 1 and 2.

3. Learned counsel for the petitioners submit that the 1st respondent has no power to condone the delay and without condoning the delay straight away stay has been granted.

4. Section 10 (2) of the Act reads as follows :

"[(2) The provisions of Section 5 and Sections 12 to 24 of the Limitation Act, 1963 (Central Act 35 of 1963) shall apply for the purposes of extension and computation of the periods prescribed in Sections 3 (3), 4 (1), 5 (5), 5A and 5B of this Act]".

5. In view of the above, when the provisions of Limitation Act under Section 5 and Sections 12 to 24 apply to the proceedings, it cannot be said that the 1st respondent has no power to condone the delay. But the stay has been granted on 16.05.2012 without deciding the delay condonation petition.

6. In the counter filed by the 1st respondent, it is stated that the Revision is admitted. But the impugned proceedings does not indicate that the delay is condoned.

7. Since the Revision is pending before the 1st respondent, this Court is not inclined to go into the merits of the case. However the 1st respondent is directed to dispose of the delay condonation petition and basing on the result of the

same, the Revision shall also be decided on merits within a period of two months from the date of receipt of copy of this order.

8. Accordingly, the writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.
RAJASHEKER REDDY,J

15th February, 2016
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