

HON'BLE SRI JUSTICE S. V. BHATT

Writ Petition No.22293 of 2017

ORDER:

Heard Sri T. Vijay Hanuman Singh for petitioner and Sri S. Lakshmikanth for Respondents 8 to 16.

2. The writ petition is filed challenging the interim suspension granted in proceedings No.F3/ 604/ 2017 dated 20.05.2017. The issue arises under Section 9 of the A.P. Rights in Land and Pattadar Passbooks Act, 1971 (for short 'the Act'). The respondents 8 to 16 have invoked the jurisdiction of respondents 3 and 4 by filing a revision under Section 9 of the Act. The 4th respondent passed the following order:

"Accordingly, the interim suspension is hereby granted for amendment orders issued by the Tahsildar, Shivampet against the lands in question with a direction to Tahsildar to restore the names as per previous year *pahanies* till further orders."

3. Learned counsel for petitioner raises several grounds against the order impugned in the writ petition, particularly, the invocation of remedy under Section 9 of the Act, direction issued by the Joint Collector to restore the names as per previous year *pahanies* and also granting interim suspension as illegal and amounts to using the jurisdiction in such a way that while passing the interim order itself the revision is for all purposes is allowed.

4. Mr. S. Lakshmikanth, firstly, contends that since the petitioner has filed counter and a petition to vacate interim order dated 20.05.2017, the 4th respondent may be directed to hear the revision or vacate stay petition filed by petitioner in a time bound frame and to the extent and restoring entries while granting interim suspension, he fairly

submits that the restoration of entries virtually amounts to allowing revision.

5. The disputes are in respect of entries maintained in revenue records or record of rights. The 4th respondent, if has found that a case is made out for granting interim suspension, can grant but issuing a direction to restore the entries would amount to allowing the revision by accepting the plea of respondents 8 to 16 certainly is unsustainable. The petitioner since has filed vacate stay petition, this court considers it appropriate to direct 4th respondent to consider and dispose of the vacate stay petition filed by petitioner, within two months from the date of receipt of a copy of this order. The petitioner is given liberty to communicate the copy of this order by filing a Memo before the 4th respondent. The parties, if do not cooperate for disposing of the interim application, the 4th respondent is given liberty to pass final orders by recording reasons for the absence or non-cooperation of the party within the time stipulated by this court. The revision filed by respondents 8 to 16, if possible, can also be considered and disposed of along with the stay application.

6. With the above observation, the writ petition is disposed of. No order as to costs. Pending miscellaneous petitions if any in this writ petition shall stand dismissed in consequence.

Date: 12.07.2017
BSS

S. V. BHATT, J

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