

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE Ms. JUSTICE J. UMA DEVI

Writ Appeal No. 1263 of 2017

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 passed by the learned Single Judge in W.P. No.12226 of 2017 dated 24.7.2017. The appellants herein are the petitioners in the writ petition wherein they sought a mandamus to declare the action of the respondents in trying to interfere with their possession and enjoyment of Acs.4.32 guntas of land while the matter is pending before the Sub-Collector, Bodhan, Nizamabad for issuance of Occupancy Rights Certificate, either to the appellants-writ petitioners or respondent Nos. 6 and 7, as illegal, arbitrary, and violative of the provisions of the Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955 and the Rules made thereunder.

While, initially an order of status-quo was passed, the writ petition was eventually disposed of by the order under appeal granting liberty to the 7th respondent to prefer an appeal, against the grant of mutation in favour of the appellants-writ petitioners, within four weeks from the date of the order, before the 4th respondent enclosing a copy of the order. The 4th respondent was directed to dispose of the appeal filed by the 7th respondent, and also the claim of the appellants-writ petitioners in proceedings dated 1.2.2017, within four months from the date of the order. The parties were directed to maintain status-quo, in terms of the interim order dated 7.4.2017, till a decision was taken.

Sri M. Rajamalla Reddy, learned counsel for the appellants-writ petitioners, would contend that, by the order under appeal, the learned Single Judge has extended the period of limitation for preferring an appeal; no such relief could have been granted, that too in a writ petition filed by the appellants herein; and the impugned order, passed by the learned Single Judge, necessitates interference.

All that the learned Single Judge has done, by way of the order under appeal, is to grant the 7th respondent liberty to prefer an appeal. Grant of liberty cannot be construed as extending the period of limitation. Suffice it to make it clear that the order of the learned Single Judge shall not be construed as extending the period of limitation for preferring the appeal; and the Sub-Collector shall, in case the 7th respondent prefers an appeal, examine the question of limitation in accordance with law, uninfluenced either by the order passed by the learned Single Judge or the order now passed by us.

Subject to the aforesaid clarification, we see no reason to interfere with the order under appeal. The writ appeal fails and is, accordingly, dismissed. Miscellaneous Petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(J. UMA DEVI, J)

31st August, 2017

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